

# Agenda

## Executive

**Thursday, 16 September 2021 at 7.30 pm**

**New Council Chamber, Town Hall, Reigate**



This meeting will take place in accordance with Government guidance. The Executive will assemble at the Town Hall, Reigate. Members of the public, Officers and Visiting Members should attend remotely.



Members of the public may observe the proceedings live on the Council's [website](#).

### Members:

#### M. A. Brunt (Leader)

T. Schofield  
T. Archer  
R. H. Ashford  
R. Biggs  
N. J. Bramhall

E. Humphreys  
V. H. Lewanski  
C. M. Neame  
K. Sachdeva

**Mari Roberts-Wood**  
Interim Head of Paid Service

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**Reigate & Banstead**  
**BOROUGH COUNCIL**  
Banstead | Horley | Redhill | Reigate

**1. Apologies for absence**

To receive any apologies for absence.

**2. Minutes** (Pages 5 - 10)

To approve the minutes of the meeting of the Executive held on 22 July 2021.

**3. Declarations of interest**

To receive any declarations of interest.

**4. Adoption of the Climate Change and Sustainable Construction Supplementary Planning Document** (Pages 11 - 216)

Portfolio Holder for Planning Policy and Place Delivery.

**5. Housing Enforcement Policy** (Pages 217 - 266)

Portfolio Holder for Neighbourhood Services.

**6. Quarter 1 Performance Report 2021/22** (Pages 267 - 296)

Deputy Leader and Portfolio Holder for Finance and Governance and the Portfolio Holder for Corporate Policy and Resources.

**7. Risk management - Quarter 1 2021/22** (Pages 297 - 322)

Portfolio Holder for Corporate Policy and Resources.

**8. Treasury Management Outturn 2020/21** (To Follow)

Deputy Leader and Portfolio Holder for Finance and Governance.

**9. Statements**

To receive any statements from the Leader of the Council, Members of the Executive or the Interim Head of Paid Service.

**10. Any other urgent business**

To consider any item(s) which, in the opinion of the Chairman, should be considered as a matter of urgency – Local Government Act 1972, Section 100B(4)(b).

(Note: Urgent business must be submitted in writing but may be supplemented by an oral report).

## **11. Exempt business**

RECOMMENDED that members of the Press and public be excluded from the meeting for the following item of business under Section 100A(4) of the Local Government Act 1972 on the grounds that:

- (i) it involves the likely disclosure of exempt information as defined in paragraph 3 of Part 1 of Schedule 12A of the Act; and
- (ii) the public interest in maintaining the exemption outweighs the public interest in disclosing the information.

*Exempt Annex 2 of the Risk Management – Quarter 1 2021/22 Report.*



### **Our meetings**

As we would all appreciate, our meetings will be conducted in a spirit of mutual respect and trust, working together for the benefit of our Community and the Council, and in accordance with our Member Code of Conduct. Courtesy will be shown to all those taking part.



### **Streaming of meetings**

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### **Accessibility**

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**Notice is given** of the intention to hold any part of this meeting in private for consideration of any reports containing "exempt" information, which will be marked accordingly.

## BOROUGH OF REIGATE AND BANSTEAD

### EXECUTIVE

Minutes of a meeting of the Executive held at the New Council Chamber - Town Hall, Reigate on 22 July 2021 at 7.30 pm.

Present: Councillors M. A. Brunt (Leader), T. Schofield (Deputy Leader), R. H. Ashford, R. Biggs, N. J. Bramhall, E. Humphreys, V. H. Lewanski and K. Sachdeva.

Also present: Councillors J. C. S. Essex, N. D. Harrison and S. A. Kulka.

#### 13. APOLOGIES FOR ABSENCE

Apologies for absence were received from Councillors Archer and Neame.

#### 14. MINUTES

**RESOVLED** that the minutes of the meeting of the Executive held on 24 June 2021 be approved.

#### 15. DECLARATIONS OF INTEREST

There were none.

#### 16. ZERO CARBON RETROFIT - SUPPORTING RAVEN HOUSING TRUST TO IMPROVE LOCAL HOMES

The Leader of the Council, Councillor Brunt, introduced the report by explaining that Raven Housing Trust, the Borough's largest social landlord, had committed to meeting the zero carbon target, passed into law by the Government in 2019, for its Borough homes by retrofitting them to make them more energy efficient for local residents. The cost for Raven of retrofitting local homes was forecast to be more than £97 million.

Raven had requested the Council reinvest capital receipts arising from disposals, in advance of the expiry of the Development Clawback Agreement in March 2022 into home improvements. The increased investment in retrofitting Borough homes would benefit the Borough's residents.

The proposal would support the steps Raven was taking to tackle climate change locally. It would also support delivery of the Council's Environmental Sustainability Strategy.

In response to questions from Visiting Members it was confirmed:

- Raven Housing Trust would be attending the meeting of the Overview and Scrutiny Committee in September and there would be the opportunity for members to ask for details of Raven's plan to deliver
- The Council would continue ongoing discussions with businesses and homeowners across the Borough to help enable them to improve their properties as part of the Environmental Sustainability Strategy
- The reinvestment would apply to capital receipts from 2021/22 until the end of the contract and sums received to date have been earmarked elsewhere.

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## **RESOLVED:**

1. That the Executive supports the approach of assisting Raven Housing Trust to meeting their Net Zero Carbon emissions targets through reinvestment of the Development Clawback into retrofitting local homes.
2. The Head of Finance be authorised in consultation with the:
  - Executive Member for Finance & Governance
  - Executive Member for Housing & Support
  - Head of Housing

To agree and sign an Agreement with Raven Housing Trust so that the funds can be re-invested.

## **17. COMMUNITY INFRASTRUCTURE LEVY SPENDING UPDATE**

The Executive Member for Planning Policy and Place Delivery, Councillor Biggs, explained that the Community Infrastructure Levy (CIL), which had been required to be paid by certain landowners and promoters of new properties since 2016, had helped to ensure that the cumulative impacts of development were funded.

The report included an annual review of progress in delivering the 5 year Strategic Infrastructure Programme (SIP) which was agreed by the Executive in 2017. This made up 80% of CIL funds. The report also summarised the “neighbourhood” CIL funds, made up of 15% of total CIL funds, and which reflected local community priorities, as outlined in the results of a 2019 community survey.

It was noted that the CIL had provided an effective source of funding to assist in the delivery of infrastructure and other community benefits to address the impacts that had arisen from developments in the borough. The amount collected had exceeded that anticipated in 2017.

In response to a question from an Executive Member, Councillor Biggs explained that CIL funding was allocated to Surrey County Council in 2017 through the SIP as a contribution to highways work at Three Arch Road, Redhill. The Council had agreed to consider providing additional funding when a new 5-year SIP was prepared in summer 2022.

In response to a question from Visiting Member Councillor Essex, Councillor Biggs agreed to provide written details about the modelling options in relation to the Redhill Flood Alleviation Scheme and the review of the project delivery.

## **RESOLVED that the Executive notes:**

1. The updates for the projects in the current 5-year Community Infrastructure Levy (CIL) Strategic Infrastructure Programme (SIP) 2017-22.
2. The timetable and arrangements for preparing and agreeing a new 5-year SIP for 2022-27.
3. The progress on spending Local CIL funding since Local Area Advisory Panels were introduced in 2019.

## 18. COMMUNITY CENTRES

The Executive Member for Community Partnerships, Councillor Ashford, introduced the report by explaining that the Council had an opportunity to develop the Council's three Community Centres into vibrant, multi-use centres, which offered something for all residents.

Councillor Ashford explained:

- Results from surveys showed there was huge interest in the centre and ambition for the future.
- There was the potential to widen the services the centres provide, as well as develop close working with a wide range of partners.
- The Council needed operational and developmental leadership to deliver and sustain the new approach, and to change the image of the centres to reach out to the wider community.

In response to questions from Visiting Members, it was confirmed that:

- The Executive Member would consider a request from the Chairman of Overview and Scrutiny for the formation of Key Performance Indicators in relation to usage, which would be reported back to the Overview and Scrutiny Committee.
- Consideration would be given to the pricing model and potential membership models or a loyalty and discount scheme
- Expansion beyond the three centres would be considered at a later date, once the proposed changes are established

## RESOLVED that the Executive:

1. Approve Option 1 and agree that the community centres in Banstead, Woodhatch and Horley will be operated by the Council as multi-use community centres.
2. Agree that a programme of work commences to deliver multi-use community centres.
3. Agree to the allocation of £15k from Corporate Plan Delivery Fund Reserve in 2021/22 to deliver re-branding and marketing for the centres.
4. Note the development of a budget growth proposal of £71k for new staff resource through service & financial planning for 2022/23 onwards to deliver and sustain this change.
5. Agree that the oversight of this change and decisions on the operating model and service offer should be delegated to the Head of Community Partnerships in consultation with the Executive Member for Community Partnerships.

## 19. MEDIUM TERM FINANCIAL STRATEGY 2022/23 TO 2026/27

The Deputy Leader and Executive Member for Finance and Governance, Councillor Schofield, introduced the Medium-Term Financial Plan which set out the initial assessment of the key information that would be used for budget setting for

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2022/23. The Plan included a five-year forecast for the budget gap if no action was taken to reduce costs or increase income.

Councillor Schofield explained that work was underway to develop detailed budget proposals for consideration by Executive in November. The challenge to find new ways to make more efficient use of existing resources and finding new sustainable income streams remained. There was uncertainty about the timing for proposed funding changes, but it continued to be necessary to plan for implementation.

The Chairman of the Overview and Scrutiny Committee, Councillor Harrison, explained that the Overview and Scrutiny Committee had considered the Medium-Term Financial Plan at its meeting on 15 July 2021 and the Executive had received the draft minutes of the meeting. The Committee had considered the budget forecast to be appropriately pessimistic. As the forecast did not include the potential returns from various ongoing capital projects, the Committee asked if it could see the current forecast for revenues from those projects. In response, the Executive Member agreed to provide the Committee this information.

## **RESOLVED:**

That the Medium-Term Financial Plan be adopted as the framework for the budget elements of service and financial planning for 2022/23 onwards.

## **20. CAPITAL INVESTMENT STRATEGY 2022/23**

The Deputy Leader and Executive Member for Finance and Governance, Councillor Schofield, introduced the Council's Capital Investment Strategy 2022/23. The Strategy helped ensure that the Council's capital decisions took account of stewardship, value for money, prudence, sustainability and affordability.

Councillor Schofield explained that the Strategy provided information about the Council's assets, how they were used and how they performed. It also included information about assets that the Council planned to invest in. Following approval of the Strategy, future capital investment plans would be confirmed as part of the service and financial planning process.

Councillor Harrison, Chairman of the Overview and Scrutiny Committee, explained that the Committee considered the Strategy at its meeting on 15 July 2021. The Committee focused its questions Horley Business Park, Council assets, commercial developments and the Commercial Strategy Part 2. The Committee recognised that the Strategy was a living document and looked forward to receiving it alongside the budget proposals later in the year.

## **RESOLVED:**

That the Capital Investment Strategy be adopted as the framework for the Capital Programme elements of service and financial planning for 2022/23 onwards.

## **21. STATEMENTS**

There were none.

## **22. ANY OTHER URGENT BUSINESS**

There was none.

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## 23. EXEMPT BUSINESS

There was none.

The Meeting closed at 8.09 pm

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<b>SIGNED OFF BY</b>	Head of Planning
<b>AUTHOR</b>	Ian Dunsford, Planning Policy Manager
<b>TELEPHONE</b>	6889
<b>EMAIL</b>	Ian.Dunsford@reigate-banstead.gov.uk
<b>TO</b>	Executive
<b>DATE</b>	Thursday, 16 September 2021
<b>EXECUTIVE MEMBER</b>	Portfolio Holder for Planning Policy and Place Delivery

<b>KEY DECISION REQUIRED</b>	N
<b>WARDS AFFECTED</b>	(All Wards);

<b>SUBJECT</b>	Adoption of the Climate Change and Sustainable Construction Supplementary Planning Document
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<b>RECOMMENDATIONS</b>	
(i)	The Executive adopt the draft Climate Change and Sustainable Construction Supplementary Planning Document (SPD).
(ii)	That the Executive authorise the Head of Planning in consultation with the Executive Member for Planning Policy to make any necessary minor amendments to the draft Supplementary Planning document prior to implementation.

<b>REASONS FOR RECOMMENDATIONS</b>	
The SPD will provide developers and decision makers the tools to improve the sustainability of new developments and reduce climate change emissions in accordance with the Local Plan and to support RBBC's Environmental Sustainability Action Plan.	
In accordance with Regulation 12(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012, public consultation on the draft SPD was undertaken 24 May – 23 June 2021.	

<b>EXECUTIVE SUMMARY</b>	
This report requests that the Executive adopt the Climate Change and Sustainable Construction Supplementary Planning Document (SPD) following formal public consultation and subsequent amendments to the draft SPD. The public consultation undertaken from 24 May to 23 June 2021 resulted in 27 sets of responses from a range of	

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organisations and individuals. Overall there was much support for the SPD. A number of representations wanted more demanding standards, but this would require a change to policy or government intervention which is beyond the scope of this SPD. Key areas raised by the consultation included the proposed changes to Building Regulations Part L Energy Efficiency and Part F Ventilation which would introduce a higher standard, other alternative technologies, the strengthening of the biodiversity elements within the document and the impact of different technologies on air traffic safety. All issues raised have been addressed in the Consultation Statement and where considered appropriate the SPD has been amended. Biodiversity has been largely omitted as a separate SPD is being prepared which is also taking account of new legislation which is expected to be enacted in autumn 2021. No further comments were received relating to the Strategic Environmental Assessment and Habitats Regulations Assessment Screening. The responses and how they have been treated have been subject to review by the LDF Scrutiny Panel and endorsed by the Overview and Scrutiny Committee on the 25 August and 9 September respectively. Once adopted the SPD will become a material consideration in planning applications.

Executive has authority to approve the above recommendations.

## STATUTORY POWERS

1. The Council has no statutory obligation to produce supplementary planning documents (SPDs) but has powers under planning legislation to consult on and adopt SPDs as appropriate. The Planning Act 2008, Planning and Compulsory Purchase Act 2004 (as amended) and the associated Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended), set out the requirements for the preparation of SPDs.
2. The relevant Regulations require a Consultation Statement to be prepared to summarise who has been informed in the preparation of SPD, and to be made available during the public consultation. This is provided as a supporting document.
3. A screening process has been undertaken to assess whether or not the SPD requires a Strategic Environmental Assessment. The screening opinions are annexed to this report and conclude that the SPD does not require SEA, a view that was confirmed by the three statutory consultation bodies.
4. The draft SPD is compliant with the Human Rights Act 1998.

## BACKGROUND

5. Supplementary Planning Documents (SPDs) are documents which provide guidance to assist in implementing development plan policies. They may be used to provide further guidance for development on specific sites, or on particular issues such as sustainable construction. They are material considerations in planning decisions. Due to the complexities and subtleties of implementing sustainable development and carbon reduction, a draft Climate Change and Sustainable Construction Supplementary Planning Document has been prepared in accordance with the

Planning Act 2008 and the Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended).

## KEY INFORMATION

### Reason for the SPD

6. The SPD (Annex 1) has been prepared to support the implementation primarily of Core Strategy Policies CS10 Sustainable Development and CS11 Sustainable Construction and Development Management Plan Policy CCF1 Climate Change Mitigation. The policies provide overarching objectives, but the proposed SPD provides key details on how RBBC's Local Plan and related climate change corporate objectives can be delivered. It also helps deliver the carbon reduction aims of Reigate and Banstead 2025 and the Council's Environmental Sustainability Strategy 2020.
7. Sustainable construction and adaption to a low carbon economy is a complex and evolving field. There are limitations in what RBBC can require developers to do as carbon emissions from new development is partly covered in Part L of the building regulations. Local Plan policies can only relate to new development which requires a planning application. The DMP policies went through a viability assessment and as a result the SPD cannot require radical measures which will add significant cost to a new development thereby making the development unviable and the local plan undeliverable. However, government has and is likely to continue to increase carbon reduction measures and financial support packages so that it can meet its net zero carbon emissions by 2050. Banning the installation of gas boilers in new development from 2025, the Green Homes Grant and a consultation on proposed changes to Part L of the Building Regulations and Future Building Standards in the 2021 are some recent national initiatives to reduce climate change emissions.
8. The SPD has been developed to primarily assist developers seeking to invest in Reigate and Banstead and decision makers. Whilst there are many sources of information on sustainable development and reducing development climate change emissions, these tend to look at the national and international scales and overlook local considerations. This draft SPD focuses on the uniqueness of the borough, current suitable technologies and preferred approaches. It acts as a conduit of existing national guidance and has developed from other tried and tested approaches.
9. Whilst the draft SPD is guidance associated with existing policies, it has been designed to facilitate change to more sustainable forms of development.

### Document Structure

10. Each of the main chapters is focused on a key theme, the policy context and objectives, how this can be achieved including the multiple considerations, what to include in a planning application and where to find more information. Each of the main chapters is linked to the iterative Sustainability Checklist. The Sustainability Checklist provides a route map for developers to integrate sustainable measures into new developments. This would evolve through the pre-application process, provide clarity to both parties, de-risk the project and achieve the most sustainable outcomes in a cost effective, collaborative and effective way.

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## Benefits

11. Other authorities have used such documents to considerable success including the Greater London Authority, Greater Cambridge and Woking Borough Council. These efforts have not only helped to reduce emissions and supported more sustainable forms of development but have resulted in more energy efficient homes which helps to reduce fuel poverty.
12. The draft SPD seeks to address some recognised shortfalls of current standard approaches including the use of a post occupancy condition to ensure that pre-development carbon emission modelling is actually delivered on site. It also requires clearly defined outputs on a Carbon Reduction Statement to be completed by the applicant. This is not considered onerous as applicants will need to undertake a similar analysis to comply with Building Regulations.
13. The draft SPD outlines the Council's preferred approach to emission reductions associated with historic assets so as to minimise harm to the asset or its setting.
14. The document provides more clarity on demolition and construction approaches, including demolition, recycling materials, sustainable sourcing and support for Considerate Constructors schemes.
15. Once adopted the SPD will enable the Council to have the tools to meet some of its plan related and Environmental Sustainability Action Plan (2020) objectives. It should be noted however that it has been designed to be flexible enough to take account of unnamed and yet un-marketed technologies.

## Consultation

16. Following Executive approval on 25 March 2021, a public consultation was undertaken between 24 May 2021 and 23 June 2021 in accordance with Regulation 12(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012.
17. Details of the consultation, including how it was undertaken, with whom, summaries of the comments received and the Council's response and how the matters raised have been addressed in finalising the SPD are contained in Annex 2 of this report – the Consultation Statement.
18. The consultation resulted in 27 sets of responses from national bodies, Horley Town Council, residents' groups, development professionals and individuals.
19. Overall there was much support for the SPD. A number of representations wanted more demanding standards, but this would require a change to policy or government intervention which is beyond the scope of this SPD. Key areas raised by the consultation included the proposed changes to Building Regulations Part L Energy Efficiency and Part F Ventilation, other alternative technologies, the strengthening of the biodiversity elements within the document and the impact of different technologies on air traffic safety, assessing embodied carbon in developments and the introduction of more challenging standards. Each of these matters has been addressed in the Consultation Statement and where appropriate the SPD has been amended. Biodiversity has been largely omitted as a separate SPD is being prepared which is also taking account of new legislation which is expected to be enacted in autumn 2021.

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20. In July the Government published further amendments to the National Planning Policy Framework and these too have been taken into account in the SPD including reference to the United Nations Sustainable Goals.
21. The responses and how they have been treated have been subject to review by the LDF Scrutiny Panel and endorsed by the Overview and Scrutiny Committee on the 25 August and 9 September 2021.

## Next Steps

22. Should the Executive be mindful to adopt the SPD, the new SPD, Consultation Statement and Adoption Statement will be made public on the Council's webpages subject to any final changes.
23. Members and Development Management will be notified. Training will be offered to officers and members.
24. The Council's Planning Application Validation list will be amended to include the new guidance and new style Climate Reduction Statement and Sustainable Development forms.

## OPTIONS

25. Recommendation 1: That the Executive adopt the Climate Change and Sustainable Construction Supplementary Planning Document.
  - a. Option 1: Approve the SPD. This option is recommended as it would provide up-to-date guidance to provide clarity and certainty for developers, development management and others.
  - b. Option 2: Do not approve the Climate Change and Sustainable Construction SPD. This option is not recommended as it would undermine corporate commitments to reducing Climate Change Emissions.
26. Recommendation 2: That the Executive authorise the Head of Planning in consultation with the Executive Member for Planning Policy to make any necessary minor amendments to the Supplementary Planning document prior to publication.
  - a. Option 1: Agree to the suggested authorisation for making any minor amendments prior to consultation. This option is recommended.
  - b. Option 2: Do not agree to necessary minor amendments being made prior to consultation. This option is not recommended.

## LEGAL IMPLICATIONS

27. The SPD will come into effect on adoption and will become a material consideration in planning determinations where relevant. The SPD will comply with the adopted development plan and latest national planning policy.

## FINANCIAL IMPLICATIONS

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28. Preparation of the SPD and its consultation have been funded in the main from the approved Planning Policy Team revenue budget. This budget has also funded the notifications of adoption, final production and training costs.

## EQUALITIES IMPLICATIONS

29. As required by the Environmental Assessment of Plans and Programmes Regulations 2004 and the Conservation of Habitats and Species Regulations 2017, the Council undertook Strategic Environmental Assessment (SEA) and Habitats Regulations Assessment (HRA) screening to determine whether the proposed SPD should be subject to SEA and HRA Appropriate Assessment. This assessment is appended to this report, it concluded that there is not a need for SEA or a full Appropriate Assessment under the HRA.

## COMMUNICATION IMPLICATIONS

30. Following Executive approval to consult in March 2021, in accordance with Regulation 12(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012, the draft SPD underwent a statutory minimum four week public consultation between 24 May and 23 June 2021 before being recommended to the Executive for adoption. During the consultation, the Council invited comments by emailing and writing to interested parties (Specific and general consultees, prescribed bodies for the Duty to Co-Operate and other individuals and organisations registered on the Planning Policy database for such purpose). The documents were made available on the Council website and in paper format at the six libraries in the borough. Due to the Town Hall closure to visitors as a result of covid restrictions, a paper copy was not made available here. However, the consultation included extensive social media coverage and an online Smart Survey was developed to facilitate ease of responding. Once adopted a press release will be prepared and shared with media outlets.

## RISK MANAGEMENT CONSIDERATIONS

31. No risk management considerations have been identified for this emerging Supplementary Planning Document.

## OTHER IMPLICATIONS

32. Considered in the body of the report

## POLICY FRAMEWORK

33. Supplementary Planning Documents (SPDs) are optional for the Council to produce. This new SPD will provide supplementary guidance to assist in the implementation of Core Strategy and DMP policies. It is however not part of the Council's Policy Framework under the existing Constitution.

## BACKGROUND PAPERS

1. Planning and Compulsory Purchase Act 2004 (as amended)
2. Planning Act 2008 (as amended)

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3. Town and Country Planning (Local Planning) (England) Regulations 2012 (as amended)
4. Local Plan Core Strategy (2014 reviewed 2019) - [https://www.reigate-banstead.gov.uk/downloads/download/1380/reigate\\_and\\_banstead\\_local\\_plan\\_-\\_core\\_strategy](https://www.reigate-banstead.gov.uk/downloads/download/1380/reigate_and_banstead_local_plan_-_core_strategy)
5. Development Management Plan (2019) - [https://www.reigate-banstead.gov.uk/downloads/file/5767/development\\_management\\_plan](https://www.reigate-banstead.gov.uk/downloads/file/5767/development_management_plan)
6. Environmental Sustainability Action Plan (2020) - [https://www.reigate-banstead.gov.uk/downloads/download/2064/environmental\\_sustainability\\_strategy\\_2020](https://www.reigate-banstead.gov.uk/downloads/download/2064/environmental_sustainability_strategy_2020)

## Appendices

Appendix 1: Draft Climate Change and Sustainable Construction Supplementary Planning Document

Appendix 2: Draft Consultation Statement

Appendix 3: Strategic Environmental Assessment and Habitats Regulation Assessment Screening

Appendix 4: Draft Adoption Statement

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# Reigate & Banstead Borough Council Climate Change and Sustainable Construction SPD

Sustainable Development Guide

**September 2021**

APPENDIX 1

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## **Accessibility**

**This document is available in large print or another language on request.**

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Ce document est disponible en français sur demande.

Ang tekstong ito ay magagamit sa filipino kapag hiniling.

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# 1. Introduction

## The aim of this document

- 1.1. The aim of this supplementary planning document (SPD) is to support development, including residential and business, to be accountable to the challenges of mitigating and adapting to climate change, and to address other sustainability issues, some of which overlap and provide additional gains. It provides guidance and advice but is relatively high-level and acknowledges the fast pace of change in this arena, and that technologies and policies may change during the lifetime of the document.

## Background

### Climate Change

- 1.2. Since 2001, UK summer temperatures have been among the hottest since records began. According to the UK Committee on Climate Change, much of the change globally is attributable to human activity<sup>1</sup>, particularly with regard to increasing greenhouse gas emissions (especially carbon), a view shared by the Intergovernmental Panel on Climate Change (IPCC). Climate Change is therefore a priority in international and national policy.
- 1.3. The likely effects of climate change for the UK include hotter, drier summers, with increased potential for heatwaves<sup>2</sup> and drought conditions<sup>3</sup>, with the built and natural environment potentially becoming increasingly uncomfortable; and milder winters<sup>4</sup> with more frequent and/or heavy rainfall episodes that could increase run-off from built-up areas, and put additional pressure on flood plains<sup>5</sup>. An increased risk to urban areas was set out in the IPPC fifth assessment report<sup>6</sup>.
- 1.4. The Climate Change Act 2008<sup>7</sup> established a target for a reduction in the UK's greenhouse gas emissions of at least 80 per cent by 2050, over 1990 levels, which has subsequently been revised to a 100% reduction<sup>8,9</sup>. Reigate & Banstead Borough Council (RBBC) has also established this as its vision for reductions<sup>10</sup>.

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<sup>1</sup> <https://www.theccc.org.uk/the-science-of-climate-change/climate-variations-natural-and-human-factors/>

<sup>2</sup> Heatwaves are likely for every summer by the middle of the century (London Environment Plan, 2018)

<sup>3</sup> <https://www.theguardian.com/environment/2020/mar/25/parts-of-england-could-run-out-of-water-unless-urgent-action-taken-report>

<sup>4</sup>

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/758983/Climate\\_change\\_impacts\\_and\\_adaptation.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/758983/Climate_change_impacts_and_adaptation.pdf)

<sup>5</sup> <https://www.gov.uk/government/news/climate-change-means-more-frequent-flooding-warns-environment-agency>

<sup>6</sup> IPPC Assessment Report 5

<sup>7</sup> Legislation.gov.uk

<sup>8</sup> In 2019

<sup>9</sup> [https://www.legislation.gov.uk/ukdsi/2019/9780111187654/pdfs/ukdsi\\_9780111187654\\_en.pdf](https://www.legislation.gov.uk/ukdsi/2019/9780111187654/pdfs/ukdsi_9780111187654_en.pdf)

<sup>10</sup> Corporate Plan 2025

- 1.5. It is therefore important that new development is designed to reduce the type of energy consumption that leads to carbon (and other greenhouse gas) emissions, and to be adaptable to climate changes.

## Other sustainability challenges

- 1.6. Alongside climate change are other environmental sustainability issues, including: energy and water supply; waste; pollution; healthy living environments; and biodiversity. These are all becoming increasingly high profile in wider policy and legislation.
- 1.7. This document focuses primarily on climate change mitigation and adaptation, but other sustainability issues are addressed, in particular where there are synergies that can be achieved through approaches to the design of the built environment, contributing to the objective of creating sustainable environments, reducing greenhouse gas emissions, and creating an environment adapted for future needs.

## What is the purpose of this SPD?

- 1.8. Planning policy provides an important mechanism for contributing to environmental sustainability in the built and natural environment<sup>11</sup>, including to reduce carbon emissions and address how the environment should be developed to allow for adaptation to a changing climate (also referred to as resilience).
- 1.9. The function of this SPD is to support and supplement the borough's Local Plan policies<sup>12</sup>, and national planning policy. The relevant Local Plan policies are highlighted in Chapter 2 and published in full in Appendix 3. These policies should always be considered in conjunction with this SPD, alongside the Surrey Waste Local Plan. This SPD:
  - Identifies design and energy-saving/efficiency measures that can result in a development minimising greenhouse gas emissions, and energy use and waste, and creating places that are amenable to biodiversity, and adaptable to a changing climate (including through the integration of green infrastructure);
  - Provides guidance on renewable and low-carbon energy solutions, for reduced reliance on fossil fuels and finite energy sources, and for efficient use of national grid energy;
  - Considers potential solutions to water shortages and efficiencies requirements;
  - Addresses the materials and methods used in construction; and
  - Provides clear guidance for anyone applying for planning permission, or wishing to comment upon a planning application, as well as providing a consistent approach to assessing planning applications.

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<sup>11</sup> National planning policy (NPPF, paragraph 7) sets out that the purpose of the planning system is to contribute to the achievement of sustainable development and its relationship with the 17 United Nations Global Goals for Sustainable Development.

<sup>12</sup> The Reigate & Banstead Local Plan includes the Core Strategy (adopted July 2014 and reviewed July 2019) and the Development Management Plan (DMP) (adopted September 2019).

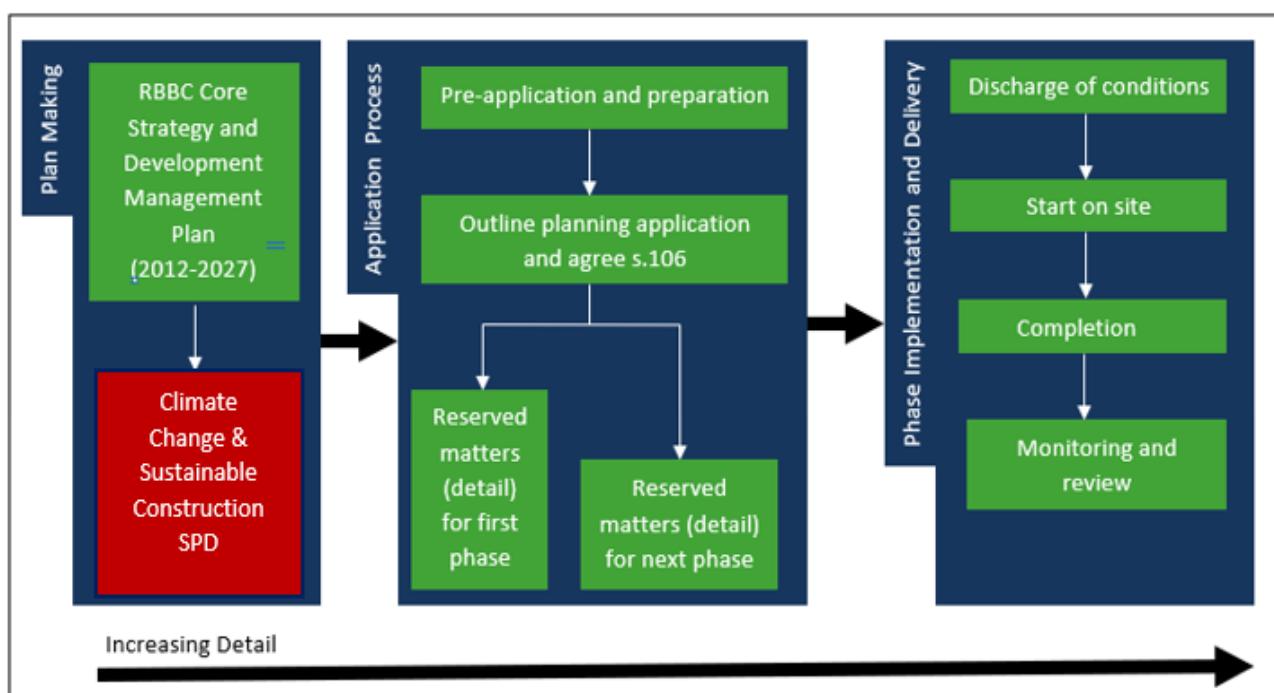
## Who is this SPD for?

- 1.10. This guidance document is for anyone involved in the development process, including: landowners, developers/agents, designers, and householders considering any kind of schemes/development, including home conversions/extensions; town/parish councils and other interested parties commenting on proposals; and development management officers (DM) assessing applications. It is also a reference for anyone considering applying for permission for wind/solar energy (or other renewables/low-carbon) farms/stations.
- 1.11. Nonetheless, it is not intended to be prescriptive and cannot substitute for the use of qualified architects, landscape architects, planners and environmental specialists where necessary.

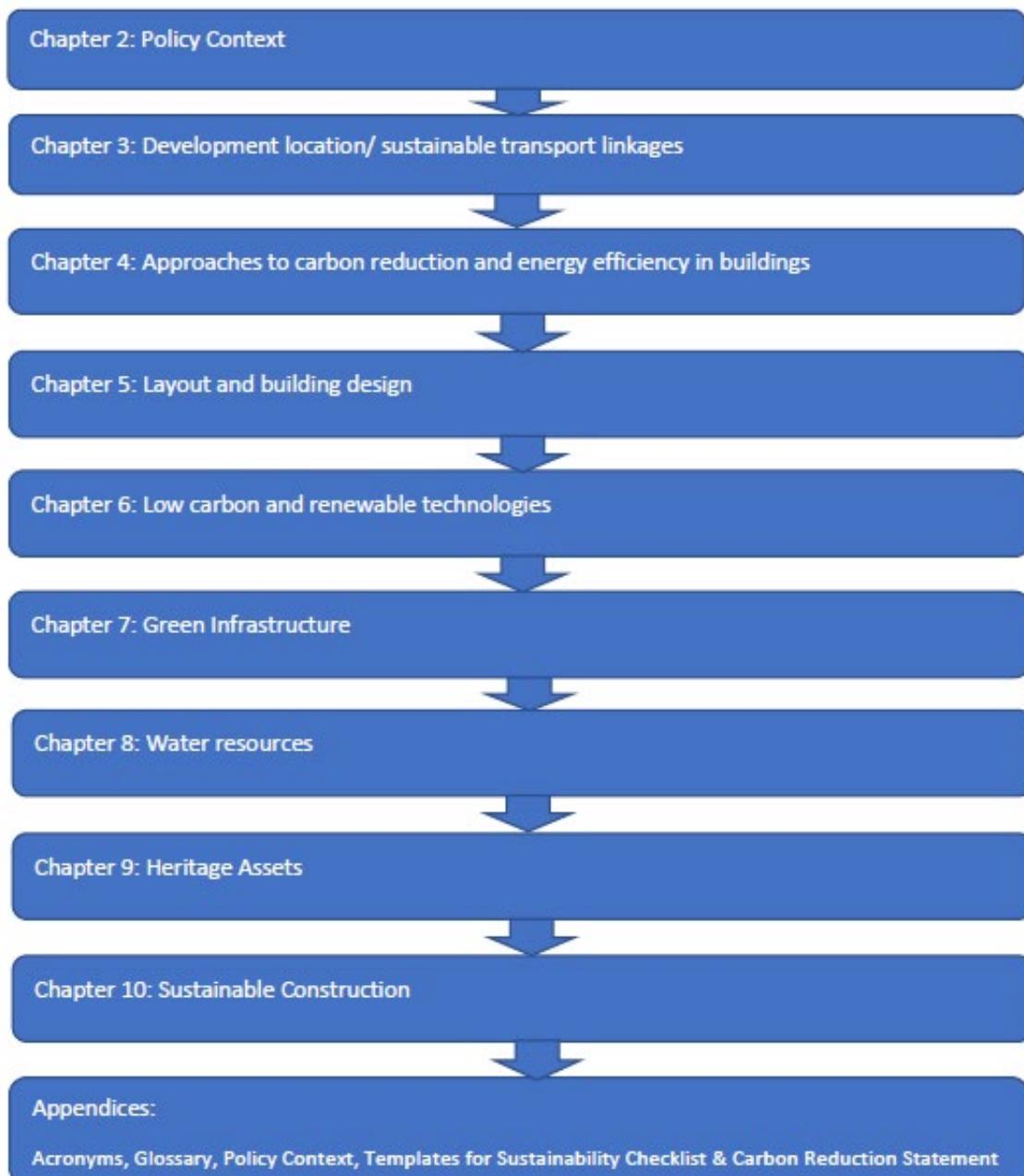
## Status

- 1.12. This SPD has been prepared in accordance with the Town and Country Planning (Local Development) (England) Regulations 2012 and has undergone consultation with local groups and national organisations, in accordance with the Council's Statement of Community Involvement (SCI). It has also been subject to Habitat Regulation Assessment (HRA) and Strategic Environmental Assessment screening, and an Equalities Impact Assessment. The information contained within this SPD can be a material consideration in the determination of planning decisions. The role of this SPD is defined in Figure 1 below.

**Figure 1: Role of Climate Change & Sustainable Construction SPD**



**Figure 2: Structure of the SPD**



## Planning applications, sustainability checklist, and templates

- 1.13. Each of the following chapters sets out information to be taken into consideration when submitting a planning application (at the end of the chapters). This may include the submission of a carbon reduction statement (template attached at Appendix 3), or a Construction Management Statement, and reference should also be made to the Sustainability Checklist at the end of the document (Appendix 2).

## **Sustainability Checklist**

- 1.14. This checklist will be included on the Council's planning applications Validation List, which helps to ensure that all relevant information has been submitted with a planning application, to reduce delays. It has been designed to assist applicants to review their approaches to sustainability in the design of proposals for the re/development. Applicants are expected to work through this during the preparation of the planning application, starting from the pre-app consultation and engagement with planning officers (Appendix 5).

## **Carbon Reduction Statement**

- 1.15. For major developments (i.e. more than 10 new homes or 1,000sqm of non-domestic floorspace), developers are expected to include a Carbon Reduction Statement. It is in two parts, the first of which assesses the carbon emissions for each unit in the scheme, and the second is an accompanying statement where the applicant should define the proposed carbon-reduction solutions for the development. This will also be included on the Validation Checklist, for major developments (Appendix 4).

## **Construction Management Statements**

- 1.16. DMP policy DES8 (Construction Management) considers that a Construction Management Statement may be required for some developments to address various impacts in relation to water, waste, noise and vibration, dust, emissions and odours, ground contamination and soil pollution, wildlife and features and heritage/archaeology. This should be discussed with planning officers at the pre-application stage.

## **2. Policy Context**

- 2.1. This chapter sets out the planning and wider policy context regarding: the mitigation of the causes of climate change; adaptation requirements; and broader sustainability issues.

### **National Context**

#### **Legislation**

- 2.2. Under the UK Climate Change Act 2008 and subsequent Government updates to the targets in 2019<sup>13</sup> the UK must reduce greenhouse gas emissions by 100 per cent by the year 2050 (over a baseline of 1990).
- 2.3. A Green Future: Our 25 Year Plan to Improve the Environment (2018)<sup>14</sup> sets out the Government's approach to tackling climate change and protecting and improving international biodiversity, following agreement to deliver the UN Sustainable Development Goals (Agenda 2030). Local Plan policy regarding the mitigation of, and adaptation to, climate change is a legal requirement set out in the Planning and Compulsory Purchase Act 2004 – Section 19 (1A)<sup>15</sup>.

#### **National Planning Context**

- 2.4. Local plan policy (including the policies in the Local Plan and in this SPD) conforms to the National Planning Policy Framework (NPPF) (2021) and is guided by national Planning Practice Guidance (PPG).
- 2.5. The NPPF highlights the UK's commitment to the United Nations 17 Goals for Sustainable Development<sup>16</sup> and requires climate change mitigation and adaptation to underpin planning and decision-taking, within land-use planning. It makes clear the need for planning to facilitate a move towards mitigation of climate change<sup>17</sup>, including through support for renewable/ low carbon energy and infrastructure, and through the shaping of places to support reduced carbon emissions<sup>18</sup>. National planning policy also sets adapting to climate change as a key objective of planning<sup>19</sup>, and contains policy on prudent use of natural resources, including minimisation of waste, and reduced pollution, as well as water supply, and green infrastructure and how this relates to sustainability.

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<sup>13</sup> [https://www.legislation.gov.uk/ukdsi/2019/9780111187654/pdfs/ukdsiem\\_9780111187654\\_en.pdf](https://www.legislation.gov.uk/ukdsi/2019/9780111187654/pdfs/ukdsiem_9780111187654_en.pdf)

<sup>14</sup> [https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/693158/25-year-environment-plan.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/693158/25-year-environment-plan.pdf)

<sup>15</sup> <https://www.legislation.gov.uk/ukpga/2004/5/contents>

<sup>16</sup> Paragraph 7

<sup>17</sup> Paragraphs 8c, 153, and 154

<sup>18</sup> Paragraph 153

<sup>19</sup> Paragraphs 8 and 154

- 2.6. The Planning Practice Guidance considers that planning has an important role in the delivery of new renewable and low carbon energy infrastructure in locations where the local environmental impact is acceptable, to secure the UK's energy supply.

### **Aerodrome Safeguarding**

- 2.7. Aerodrome safeguarding is embedded into the Town & Country Planning process by way of ODPM/DfT Circular 01/2003 'Safeguarding of Aerodromes, Technical Sites & Military Explosives Storage Areas: The Town & Country Planning (Safeguarded Aerodromes, Technical Sites & Military Explosives Storage Areas) Direction 2002.

### **Building Regulations consultation 2021**

- 2.8. As part of the government's commitment to achieve net zero carbon by 2050, in January 2021 the government consulted on revisions to Part L of the building regulations. Part L sets the standards for energy efficiency in new development. The proposals include a significant uplift in the required standards above the 2013 standards on which the Local Plan policies are based.

### **Local Plan**

- 2.9. The guidance set out within this SPD is tied to the policies within the Reigate & Banstead Local Plan, which includes the Local Plan Core Strategy 2014 (Reviewed 2019) and the Development Management Plan 2019 (DMP). Figure 3 below sets out the relationship between the Local Plan's vision and objectives, and its policies. The policies are included in full in Appendix 3.
- 2.10. The Core Strategy sets the broad direction for development in the borough and, notably, policy CS11 requires that non-residential development of new or replacement buildings or extensions must meet a minimum standard of BREEAM<sup>20</sup> 'very good', taking account of viability<sup>21</sup>.

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<sup>20</sup> BREEAM (Building Research Establishment Environmental Assessment Method) is a sustainability assessment method that is used for masterplan projects, infrastructure and buildings.

<sup>21</sup> Point 1b/1.

**Figure 3: Local Plan vision, objectives and policies**

<p style="text-align: center;"><b>The Council's Vision</b></p> <p>'Reigate &amp; Banstead will be one of the most desirable and attractive areas in the region. It be a place where; "... the environment, and green space, is maintained and enhanced for the future....'.</p>	
<b>Core Strategy Objectives</b>	<b>DMP Objectives</b>
<b>SO1</b> To ensure that future development addresses the economic and social needs of the borough without compromising its environmental resources. (policy CS10)	<b>SC6</b> Require new developments to provide adequate parking, whilst recognising the need to encourage sustainable transport choices, particularly in the most accessible locations. (policies TAP1 & TAP2)
<b>SO6</b> To maintain and enhance the borough's valued landscapes, historic, built and natural environment including habitats and species and heritage assets. (policy CS4)	<b>SC8</b> Encourage new development to incorporate passive and active energy efficiency measures and climate change resilience measures and where appropriate incorporate renewable energy technologies. (policies CCF1 & CCF2)
<b>SO9</b> To ensure that design of new development makes best use of the site, integrates effectively with its setting, promotes local distinctiveness, maximises accessibility and minimises the opportunity for crime. (policies CS4 & CS10)	<b>SC9</b> Direct development away from areas at risk of flooding, and ensure all developments are safe from flood risk and do not increase flood risk elsewhere or result in a reduction in water quality. (policy CCF2)

<p><b>SO10</b></p> <p>To require that developments conserve natural resources, minimise greenhouse gas emissions and help reduce waste, and are adaptable to climate change (including the risk from flooding). (policies CS10 &amp; CS11)</p>	<p><b>SC10</b></p> <p>Ensure new development protects, and enhances wherever possible, the borough's landscapes and biodiversity interest features, providing the highest degree of protection to internationally and nationally designated areas. (policy NHE4)</p>
<p><b>SO14</b></p> <p>To tackle congestion, pollution and greenhouse gas emissions of private car use by promoting sustainable modes of transport to promote healthier lifestyles. (policies CS06, CS10 &amp; CS17)</p>	<p><b>SC13</b></p> <p>Conserve and enhance heritage assets across the borough, supporting their continuing viable use and cultural benefits. (policy NHE9)</p>

- 2.11. The DMP sets out more detailed policies, the key policy being CCF1 (Climate Change Mitigation) which requires that new developments must achieve at least a 19 per cent improvement on the Dwelling Emission Rate (DER) (for residential developments) over the Target Emission Rate (TER), as per L1A of the 2013 building regulations. For non-residential developments over 1,000 sqm floorspace, 10% of expected energy usage should be from renewable or low-carbon generation, unless it can be shown not to be viable.

## Other relevant local policy documents

### Reigate & Banstead Environmental Sustainability Strategy (June 2020)

- 2.12. This strategy recognises the important role the planning system can play to meet sustainability objectives, including achieving net zero carbon emissions by 2050. It builds upon Reigate & Banstead's 2025 Corporate Plan commitment to be proactive on tackling climate change and reducing the borough's environmental impact.
- 2.13. The strategy's primary concern is to embed sustainability principles within the Council's practices, particularly where the Council has responsibilities. The strategy supports the introduction of SPDs and/or Planning Position Statements to provide further guidance to developers on topics including energy and carbon reduction. The strategy also seeks the introduction of templates to standardise the information received in relation to energy and sustainability for use by planning applicants for inclusion in the planning validation checklist<sup>22</sup>.

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<sup>22</sup> [https://www.reigate-banstead.gov.uk/downloads/file/6410/environmental\\_sustainability\\_strategy\\_2020](https://www.reigate-banstead.gov.uk/downloads/file/6410/environmental_sustainability_strategy_2020) Chapter 6

## **Local Distinctiveness Design Guide (2021)**

- 2.14. This guide should be referred to for all design considerations, including sustainability. It sets out key elements of the local built environment character and design requirements.

## **Surrey County Council (SCC) plans and guidance**

### **Climate Change Strategy (2019)**

- 2.15. Developed from SCC's commitment to support the Government's zero-carbon target, this strategy sets out the County's, Boroughs' and Districts' collective approach to tackling climate change. It identifies a range of ambitions and sets targets for these. A number of these ambitions are pertinent to new development, including areas noted below.
- 2.16. **Transport:** There is an ambition to deliver/promote an integrated, accessible, transport system across the county, including active travel (walking or cycling), thereby reducing car journeys and improving local air quality for improved health and wellbeing of residents.<sup>23</sup> The requirements of this SPD are in concurrence with and should help to achieve this aim.
- 2.17. **Housing and Planning:** There is an ambition to support the creation of low carbon, healthy homes for residents that reduce emissions, have lower running costs, and improve the wellbeing of the community.<sup>24</sup> The requirements of this SPD are in concurrence with and should help to achieve this aim.
- 2.18. **Buildings and Infrastructure:** There is an ambition to pursue lower operational energy use and increased supply of renewable energy to SCC's buildings.<sup>25</sup> This SPD takes a similar approach, for new developments.
- 2.19. **Waste, Resources and Circular Economy:** There is an ambition to create a system centred on circular economy principles that seeks to prioritise the reduction of waste creation and encourage innovative approaches to waste reutilisation and recycling with throwing away becoming a last resort. This SPD also seeks to support this aim.

### **The Surrey Waste Local Plan (SWLP) 2019-2033 (2020)**

- 2.20. This provides the spatial and management policies for waste and recycling to 2033 across Surrey. SWLP Policy 4: (Sustainable construction and waste in new development) is particularly relevant as it seeks to: minimise waste during construction, maximising opportunities for the re-use and recycling of construction, demolition and excavation residues; and to promote integrated storage for waste recycling.

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<sup>23</sup> The aim is for a 60% emissions reduction in the transport sector by 2035 against BAU as a minimum.

<sup>24</sup> The aim to achieve a 66% emissions reduction in the domestic housing sector by 2035 against BAU as a minimum.

<sup>25</sup> The target is for a 61% emissions reduction across commercial and public buildings sector by 2035 against BAU as a minimum.

## **The Surrey Minerals Plan (SMP) (2011)**

- 2.21. The Surrey Minerals Plan consists of three documents, The Surrey Minerals Plan Core Strategy Development Plan Document 2011, The Surrey Minerals Plan Primary Aggregates Development Plan Document 2011 and The Surrey Minerals Plan Aggregates Recycling Joint Development Plan Document 2011. Objective 1 of the Core Strategy seeks to reduce demand for minerals by increasing the supply of recycled and secondary aggregates, encourage the sustainable use and recycling of minerals and encourage the use of substitute materials in construction. The Plan also includes requirements for mitigation measures for adaption to climate change including flood and ecological considerations

## **Surrey SuDS (Sustainable Drainage Systems) design guidance (2019)**

- 2.22. Surrey County Council is the lead local flood authority (LLFA) for Reigate & Banstead borough, and is the risk management authority for local flood risk defined as flooding from surface water, groundwater and ordinary watercourses. SuDS are required on all major planning applications, and under Ministerial Statement HCWS161 and The Town and Country Planning (Development Management Procedure) (England) Order 2015, the LLFA are a statutory consultee for surface water for all major planning applications (10 or more properties or >1000m<sup>2</sup> or >1ha). A Surface Water Drainage Strategy should also be submitted to support all major planning applications.
- 2.23. Surrey's guidance includes design criteria for different surface water discharge, and management options, as well as the use of planning conditions. SuDS is considered in Chapter 8 below, but reference should be made to SCC's own guidance.
- 2.24. The Surface Water Drainage Strategy can either form part of the site's Flood Risk Assessment or a separate document.

## **Conclusion**

- 2.25. This chapter draws together a range of existing national, county and local policies which relate to climate change adaptation and mitigation, and sustainable construction. It sets out good practice guidelines and advice to assist the delivery of development schemes which meet national and local policies. This will also contribute to both national, county and council's targets for climate change, through the part that development can play in meeting high standards for design and construction<sup>26</sup>.

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<sup>26</sup> Core Strategy paragraph 7.2.2

## **Further Information**

National Planning Policy Framework 2021

Planning Practice Guidance

Building Regulations

Reigate & Banstead Core Strategy 2014

Reigate & Banstead Development Management Plan 2019

Reigate & Banstead Environmental Sustainability Strategy 2020

Reigate & Banstead Local Character and Distinctiveness Design Guide Supplementary Planning Document 2021

Surrey's Climate Change Strategy

Surrey Waste Local Plan 2020

Surrey Minerals Plan Core Strategy Development Plan Document 2011

Surrey Minerals Plan Primary Aggregates Development Plan Document 2011

Surrey Minerals Plan Aggregates Recycling Joint Development Plan Document 2011

Surrey County Council SuDs Design Guidance 2019

## 2. Development Location and Sustainable Transport Linkages

- 3.1. The selection of location for a new development is an important element in the sustainability of that development depending on its use – in particular the opportunity to minimise the need to travel using a vehicle<sup>27</sup>. The approach to this is largely set out as part of the Local Plan strategy, in the Core Strategy and Development Management Plan (DMP) and is not addressed through this SPD.
- 3.2. However, it is important to consider the linkages between a development and adjoining areas, and how these can be enhanced to facilitate active travel and reduce car use<sup>28</sup> to create places that are sustainable - reducing greenhouse gas and other harmful emissions - and adaptable to climate change<sup>29</sup>. This chapter sets out measures that can be considered for achieving this aim but is limited to the design of developments for transport. Local Plan policies CS17 and TAP1 set out requirements for Transport Assessments (TA) and travel plans where necessary (for developments likely to generate significant movement), and CS17 (1b) includes requirements for contributions to local public transport facilities where necessary.

### Relevant local plan policy links

- 3.3. The relevant Local Plan policy links for this chapter are: CS10; CS17; DES1; DES7 (re: access); and NHE4. DMP Policy TAP1 requires that all developments provide electrical vehicle charging points (point 1.f).

### Accessibility to local services and public transport (larger developments)

- 3.4 All developments should be designed with residents' or users' access to other facilities and services - and to wider public transport services - in mind<sup>30</sup>, facilitating walking and cycling, or reduce the length of vehicle trips – thereby cutting greenhouse and other polluting emissions and need for energy supplies. This can also contribute to the wider sustainability objectives of providing opportunities for healthy lifestyles, and opportunities for those without access to cars. Accessible places is included as one of the ten characteristics of a well-designed place in the National Design Guide. Options for travel for those without cars should always be considered.
- 3.5 For residential developments this should include access to schools, local retail and community services, and public transport/cycle route links to wider facilities, and for employment sites, access to public transport/cycle route links to surrounding areas should be designed into the scheme. Where travel plans are required this can include provision such as mini-bus links to stations.

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<sup>27</sup> as set out in local plan policies CS10 and CS17

<sup>28</sup> As required by TAP1: *Access, parking and servicing*

<sup>29</sup> The importance of 'the potential for servicing sites through sustainable transport solutions' in regard to reducing vehicle emissions, is noted in the NPPG, Paragraph 007, ID: 9-007-20140306

<sup>30</sup> As required by CS17, DES1, and TAP1

## **Site permeability (larger developments)**

- 3.6 Pedestrian and cycle – and public transport - access through and beyond larger sites should be planned at the outset as part of the design of the development. The site's permeability<sup>31</sup> should not only facilitate access for residents/users of the site, but also other pedestrians and cyclists where the site is large enough to block routes – or could enable access that was not previously available, to improve the wider network.<sup>32</sup> (See 6.16/6.18 in the Council's Local Distinctiveness Design Guide SPD also.)

## **Facilitating active travel options**

- 3.7 Providing for 'active' travel, such as walking and cycling, can include provision of dedicated pedestrian and cycle routes through sites or contributions to/connections with other routes. It should also include secure parking for bicycles and/or shower/storage facilities, and the design of streets to make walking or cycling more safe or convivial.<sup>33</sup>

## **Dedicated pedestrian and cycle routes**

- 3.8 For larger sites, safe pedestrian and cycle routes through the development – and connecting to wider networks – should be incorporated. This should include connections to green infrastructure leisure networks<sup>34</sup>, or routes enabling access to schools (for residential developments), service centres, or wider public transport.<sup>35</sup>
- 3.9 Pedestrian routes in particular need to be as direct as possible – and the provision of a dedicated route should be included where the design of a development means that the roads take circuitous routes.
- 3.10 Routes provided should be convenient, safe, and legible, for all ages and abilities to use, with appropriate signage, lighting and overlooking. They should also be convivial, where possible, with the provision of seating for pedestrians, and planting.
- 3.11 Pedestrian and cycle routes should also avoid areas of potential flooding within sites and provide shelter from the sun and rain (for climate adaptation<sup>36</sup>).

## **Street design (large sites)**

- 3.12 The design of roads within larger sites should be approached with regard to how pedestrians and cyclists can use them safely and conveniently, alongside consideration of the design and character of the area (for which the Council's Local Distinctiveness Design Guidance SPD should be consulted). This is particularly important in respect of clear and safe routes to schools and local services and should address the need for crossings points (pelican crossings for areas likely to be busier, and centre refuges). It should also consider

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<sup>31</sup> Required as per policy TAP1 (e).

<sup>32</sup> Block designs are sometimes useful with this in mind, enabling access for any additional public transport services.

<sup>33</sup> As required by policies CS10, CS17 and TAP1.

<sup>34</sup> As per policy NHE4

<sup>35</sup> As required by policies TAP1, CS10 and CS17

<sup>36</sup> Regarding policy CS10, point 9

the design of junctions of residential streets with main roads, avoiding large visibility splays that make crossing the ends of roads difficult for pedestrians, both in terms of vehicle speeds and increased crossing widths; it is sometimes also possible to include raised level crossings across these.

- 3.13 Reference should also be made to the Council's Local Character and Distinctiveness Design Guidance at paragraph 6.4 in regard to the creation of places that offer a safe environment for walking and cycling, including through the design of buildings to provide active frontages, where appropriate, and to provide natural surveillance. Unnecessary street furniture and signage clutter should be avoided.
- 3.14 20mph zones may be suitable for some residential development, or even Home Zones where vehicle access would be limited and safe spaces for children to play outside would be created. In suitable residential developments, sensitive parking designs can be used to slow traffic speeds and provide aesthetic appeal, for example through the use of planter schemes. This needs to be carefully balanced against potential air quality issues which can result from lower vehicle speeds or additional waiting and circulating.

## Bicycle parking, and storage

- 3.15 Adequate parking for bicycles should be provided for users/residents and visitors to developments, depending upon their size and function, and this should be secure, preferably covered, and sensitively screened, for example through the use of planting schemes<sup>37</sup>. Requirements for cycle parking are set out in DMP policy TAP1, Annex 4, and the emerging Local Character and Distinctiveness Design Guide SPD.

## Electric vehicle charging points

- 3.16 Electric vehicles have the benefit of eliminating emissions of particles and NO<sub>2</sub> from exhaust pipes (though particles are still generated from the use of the tyres) and reducing greenhouse gases where the source of electricity is decarbonised. The UK Government has announced<sup>38</sup> a ban on the sale of new petrol and diesel cars and vans from 2030<sup>39</sup>, with hybrid vehicles allowed to be sold until 2035.
- 3.17 This provides impetus for the Council to ensure provision of electrical vehicle charging points at all new developments attracting car travel in line with national planning policy<sup>40</sup> and as required by DMP policy TAP1 (1.f). The Council's own Environmental Sustainability Strategy contains a priority to move towards the use of electrical vehicles<sup>41</sup>.
- 3.18 Charging points should be located in safe, accessible and convenient locations, and developments should provide the advance provision of cabling and ducting, in line with

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<sup>37</sup> See the Council's Local Distinctiveness Design Guide SPD, paragraph 6.49.

<sup>38</sup> 18 November 2020

<sup>39</sup> [https://www.gov.uk/government/news/government-takes-historic-step-towards-netzero-with-end-of-sale-of-new-petrol-and-diesel-cars-by-2030](https://www.gov.uk/government/news/government-takes-historic-step-towards-net-zero-with-end-of-sale-of-new-petrol-and-diesel-cars-by-2030)

<sup>40</sup> National Planning Policy Framework 2018, paragraph 110

<sup>41</sup> Chapter 3: Energy and Carbon

national planning policy. There may also be a need for increased power supplies to the area.

- 3.19 There are different types of charging points and the most appropriate designs will need to be assessed for the sites and types of development in question. For residential developments this is a ‘Type 2’ socket, which we will also require to be used for commercial sites, unless the need for faster charging can be shown. Where practicable in the residential setting the charge point design should also allow for vehicle to grid (V2G) operation.
- 3.20 The design of charging points should be as discrete as possible, avoiding obtrusiveness and clutter, and any illumination should be designed to avoid light-pollution effects.

## **Reduced travel through internet connections**

- 3.21 Use of technology can greatly help reduce the need to travel. This has been highlighted during the Covid 19 pandemic as many switched to using conference call technologies to communicate. This greatly helped to reduce climate change emissions.

## **Planning Applications**

### **Sustainability Checklist**

- 3.22 Developers and designers should comply with the points set out in the sustainability checklist where appropriate (Appendix 5).

### **Conditions**

- 3.23 Conditions may be applied to permissions in regard to: design and implementation of dedicated pedestrian and cycle routes, or financial contribution to wider routes in localities; the provision of sustainable transport linkages where employment development is not close to facilities or public transport; implementation of travel plans as required; and the provision of electrical vehicle charging infrastructure.

## **Transport Assessments and Statement**

- 3.24 For developments likely to generate a large amount of travel by car, transport assessment and/or statements are a requirement of DMP policy TAP1. If sustainable transport enhancements, such as travel plans, smart travel, or design implementations can be calculated to reduce carbon reductions from transport, this should be set out in the carbon reduction statement.

## **Further guidance and tools**

[Department for Transport Manual for Streets 2007](#)

[Reigate & Banstead Development Management Plan Annex 4: Parking Standards 2019](#)

Reigate & Banstead Local Character and Distinctiveness Design Guide 2021

Reigate & Banstead Green Infrastructure Strategy 2017

Surrey Transport Plan (LTP3) 2017

Surrey County Council Reigate & Banstead Major Transport Schemes 2019

### **3. Carbon reduction – Energy Hierarchy and Carbon Reduction Statements**

#### **Introduction**

- 4.1 This chapter introduces the concept of a hierarchical approach to energy reduction and carbon emissions, and the requirement for Carbon Reduction Statements to accompany planning applications. Subsequent chapters go on to explain how carbon can be reduced in new development by following the energy hierarchy approach and the measures needed to support this aim.

#### **Relevant local plan policies**

- 4.2 Policy CCF1 requires that new residential development achieves not less than a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) as defined in Part L1A of the 2013 Building Regulations. This is equivalent to a 44% reduction compared with the Building Regulations 2006 baseline. The TER is expressed as the mass of CO<sub>2</sub> emissions emitted in kilogrammes per square metre of floor area per year.

#### **The Energy Hierarchy**

- 4.3 One way to approach the use of energy and reducing carbon emissions associated with new development is through using the concept of an ‘Energy Hierarchy’. This starts with the premise of needing to use less energy, then considers how energy can be supplied and used more efficiently, and then, where possible and preferable, supplied from renewable sources. This approach is followed through in the following chapters of this SPD.

#### **Reduced energy needs and passive/active design**

- 4.4 Development should reduce needs for energy through fabric and servicing improvements, and measures to achieve this should include ‘passive’ design approaches such as optimizing the orientation of the building, natural ventilation and lighting, thermal mass and solar shading, and ‘active’ design measures, including low efficacy lighting and efficient mechanical ventilation with heat recovery. These measures are primarily set out in chapter 5 but are also addressed in Chapter 7 on green infrastructure (through planting for insulation and shading).

#### **Energy efficiencies**

- 4.5 Once the demand for energy has been minimised, the heating and cooling energy demands for the development should be assessed in regard to the energy requirements of surrounding land uses, as efficiencies between uses in proximity may be achievable. This also applies to land uses within larger developments. Measures to consider may include a

connection to district heating networks or onsite combined heat and power (CHP) systems. This is covered in Chapter 6.

## **Renewable energy supplies**

- 4.6 The second part of Chapter 6 considers opportunities for producing, storing and using renewable energy on-site.

## **Planning Applications**

### **Carbon Reduction Statement**

- 4.7 To ensure that the most suitable means to reduce energy needs and carbon emissions are being integrated into a new development, applicants will be required to prepare a **Carbon Reduction Statement** to demonstrate how the proposal will meet or improve on the TER (as per the requirement of DMP Policy CCF1).
- 4.8 As part of the statement the applicant will be required to demonstrate that the proposal will be following the energy hierarchy to minimise carbon emissions. Suggestions on how to reduce carbon emissions in developments are included in the following chapters, which should be considered in the preparation of a Carbon Reduction Statement (Appendix 4).
- 4.9 A condition will be attached to a planning permission requiring the monitoring of the carbon savings of the scheme for five years from completion. This is to compare anticipated and actual carbon emission reductions.

## **Further information**

The UK's draft Integrated National Energy and Climate Plan (NECP) 2019

## **5. Layout and Building Design (for reduced energy needs)**

### **Passive Design**

- 5.1 Planning can be a powerful mechanism for reducing the energy requirements and related emissions associated with a development, through influencing factors such as the orientation of buildings and the layout of sites<sup>42</sup>. Development can be configured to achieve maximum benefit from natural resources, such as daylight, solar energy, and cooling breezes, simply through the layout/arrangement of buildings on a site; and this achieves a ‘win-win’ solution to sustainable development<sup>43</sup>. It can also create healthier living environments, for example, through maximising access to daylight within rooms, and reducing the need for air-conditioning – and associated noise. Other measures include insulation. This is known as passive design.
- 5.2 Similarly, the glazing or paint colour of a building can significantly reduce its carbon footprint, reducing or eliminating energy needs, and ensuring a high quality of insulation will achieve immediate reductions in the need for energy.
- 5.3 Furthermore, passive design can help with adaptation to climate change; buildings can be designed to utilise natural features of the environment, including the weather, to assist with cooling or heating, and to be resilient to more extreme weather conditions.
- 5.4 To assist in the preparation of a Carbon Reduction Statement to accompany a planning application, this chapter covers: overall site layout/design; building orientation; Thermal Mass; ventilation; airtightness; and solar gain and overheating. The statement should include a discussion on the proposed solutions and reasoning as to why the chosen approach is being proposed over other options.

### **Relevant local plan policy links**

CS10, CCF1, DES1

### **Site layout and design**

- 5.5 For larger sites, the layout of buildings and facilities can affect the amount of natural or shared heat and light available for energy efficiencies, and this is best considered at the design stage alongside and in balance with other design considerations, such as local distinctiveness, and the aesthetic quality of the development.
- 5.6 Where possible, taller buildings should be placed towards the northern section of a site to reduce the effect of shadowing across the site – but this should not be done in a regimented

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<sup>42</sup> National Planning Policy Framework, paragraphs 150 and 153 – and 131 re innovation  
<sup>43</sup> National Planning Practice Guidance, paragraph 004/ Reference ID: 6-004-20140612

or artificial manner and should be applied where it will provide overall benefits. Similarly, parking facilities such as garages can usefully be placed towards the north of buildings for similar reasons, provided they don't harm the amenities of neighbouring sites and land uses. However, parking-dominated frontages should be avoided. (Please see page 53 of the Council's Local Distinctiveness and Design Guide SPD 2020 regarding the design of parking.)

- 5.7 The spacing of buildings on sites should also be considered to strike a balance between gaining an optimum level of natural heat and light, including also considering efficiencies of reduced loss of heat through compact development, whilst avoiding contributing to the Urban Heat Island Effect in locations where this might be an issue.<sup>44</sup>
- 5.8 Where the topography of a site allows, the best use should be made of opportunities for building into slopes or into the ground, where this can offer thermal buffering and the exploitation of ground heat.<sup>45</sup> This can also offer protection to buildings from harsher weather conditions, allowing for adaptation to climate changes.
- 5.9 However, as sites are configured to allow for optimum benefit from the sun's power and for adapting to climate change, the siting of solar panels and arrays on buildings in the vicinity of the site also need to be taken into account (in the same way as neighbouring amenities) and this may therefore inhibit the preferred choice of design/layout for the new development. Nonetheless, passive gains for a new development at the expense of the ability of established sites to run sustainably will not be acceptable, and this will need to be factored in to the calculations for designs.

## Building orientation

- 5.9 On all development sites, but particularly larger sites, developers will be expected to demonstrate that consideration has been made as to how buildings are arranged for maximum natural energy and cooling, as well as associated health benefits.

## Residential development

- 5.10 In residential developments where there is a north-south axis, the orientation of the buildings as shown in Figure 4 will maximise heating in the morning and evening when it is most needed. This layout also helps to reduce overshadowing between buildings due to the angle of the sun's path. Habitable rooms, including living rooms and bedrooms, would best be located on the west elevation to maximise the heating and lighting effects from solar gain later in the day.

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<sup>44</sup> In line with the principles of policies CS10/CCF1.

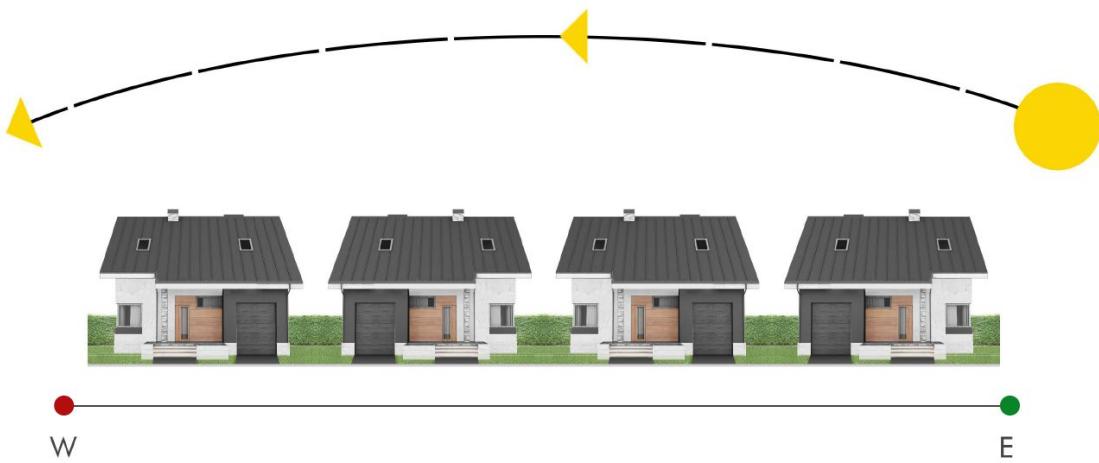
<sup>45</sup> In line with policy CS10 re maximising energy-efficiency, and CCF1.

**Figure 4: Orientating dwellings on a north-south axis**



- 5.11 On sites with an east-west axis, the orientation of dwellings as shown in Figure 5 will maximise solar gain on the south elevation. With such a site orientation, habitable rooms are best located on the south elevation with kitchens and bathrooms located on the north side. Such orientation will maximise heating from the sun in the winter, but this would need to be balanced with the risks of overheating in the summer when shading may be required either from trees or other forms of planting (see Chapter 7 on green infrastructure), or from louvres.

**Figure 5: Orientating dwellings on an east-west axis**

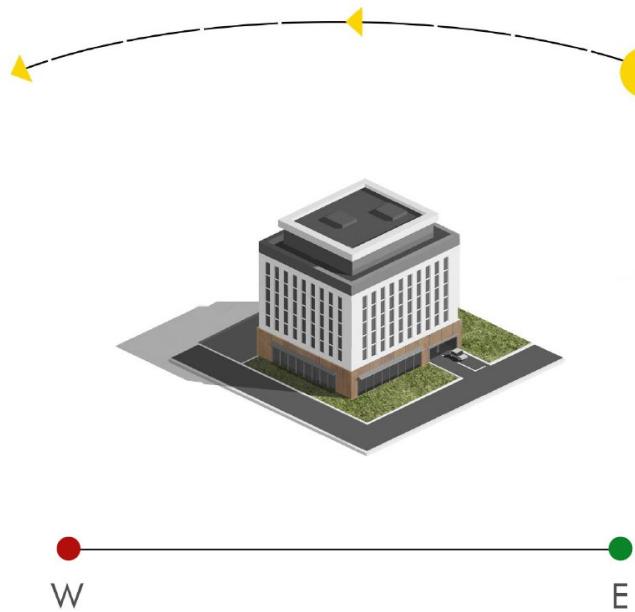


## Non-residential development

- 5.12 In the case of commercial properties an understanding of how and when the building is used can result in a different optimum orientation. In the case of commercial buildings, heat generally builds up during the day as a result of computers and other electrical equipment being used. To help reduce solar gain an east-west axis is preferable, with glazing on the

north elevation to maximise light and prevent excessive heat gain, which can still be an issue in winter.

**Figure 6: Orientating a non-residential development**

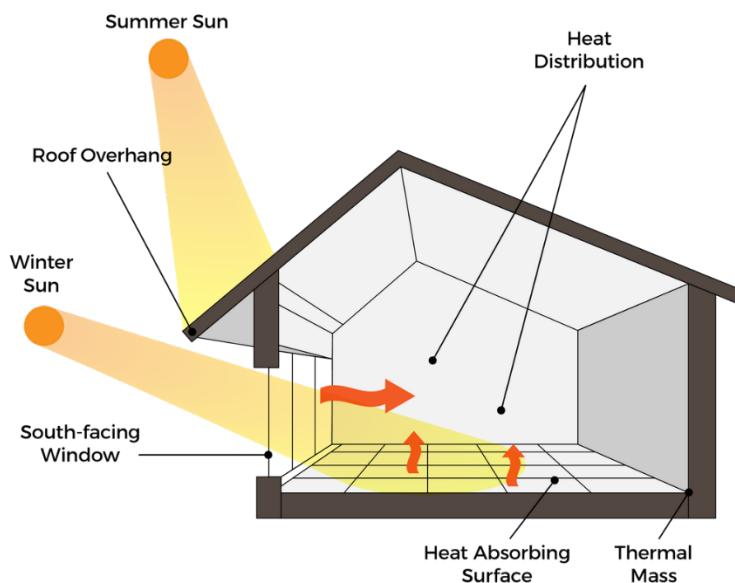


## Thermal Mass

- 5.13 A further key consideration with passive design is Thermal Mass; the choice of building materials will have an important bearing on how temperatures are moderated in a building. High thermal mass materials absorb heat during the day and release it during the night, helping to regulate the temperature within the building. Materials that have a high thermal mass include brick and block with plaster finishes, whereas timber framed buildings have a lower thermal mass (though this can be weighed against the benefits of lighter insulated materials and modern construction methods in reduced embodiment of carbon, and it is for the developers to determine the merits of each for energy efficiency and reduced carbon emissions). Choice of materials will depend upon the scheme, but the embodied carbon will need to be considered.
- 5.14 Thermal mass is a passive design feature, not a method of insulation. It can reduce the cooling load of a building in summer and the heating load in winter, therefore reducing carbon emissions.
- 5.15 In the summer, thermal mass helps prevent buildings from overheating by absorbing heat from the sun and from the building's occupiers, rather than heating the building's interior. In an office building for example, the peak internal temperature is usually in the afternoon, particularly in the summer when the building is occupied, and heat is being generated from the occupants, computers, and lighting. At night when the building is vacated, the heat diminishes, external temperatures fall, and heat is released from the thermal mass of the building. This absorption of heat by the building's fabric and its release at night will help reduce the need for air conditioning, reducing energy consumption and carbon emissions.

- 5.16 In the winter, as in the summer, during the day the building absorbs heat but at night the thermal mass prevents the building from getting cold. This reduces the amount of energy needed to heat the building the following day to bring the building up to an appropriate temperature, thereby minimising carbon emissions and saving energy.
- 5.17 Figure 7 illustrates how a dwelling can be designed to maximise the benefits of thermal mass all year round.

**Figure 7: Maximising the benefits of thermal mass**



Source: [http://www.dkcontractors.biz/uploads/1/3/2/8/13288406/passive-solar-design\\_orig.png](http://www.dkcontractors.biz/uploads/1/3/2/8/13288406/passive-solar-design_orig.png)

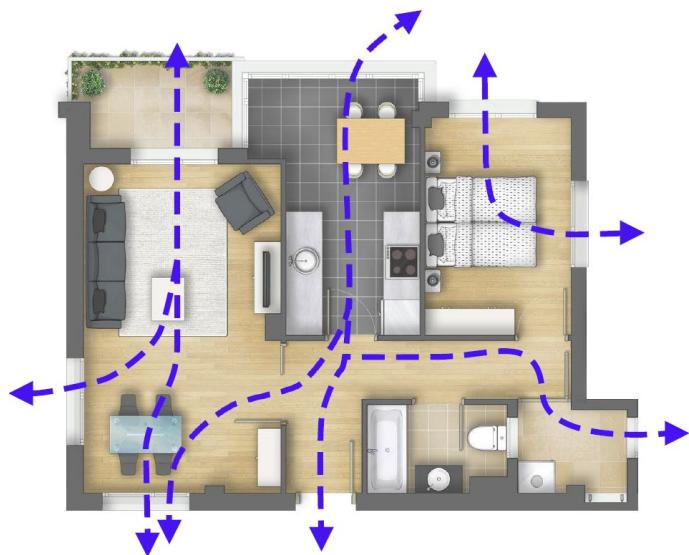
## Natural ventilation

- 5.18 Natural ventilation is the supply and removal of air through a building using natural means. This can reduce the need to mechanically ventilate a building and therefore reduces energy consumption. However, such ventilation is variable as it is dependent on the speed and/or temperature of the wind. There are two types of natural ventilation: wind driven and passive stack.

### Wind driven ventilation

- 5.19 Wind driven ventilation utilises pressure differences that occur when air flows over a building. The appropriate placement of ventilation openings will draw air through the building openings thereby providing natural ventilation (Figure 8 below).

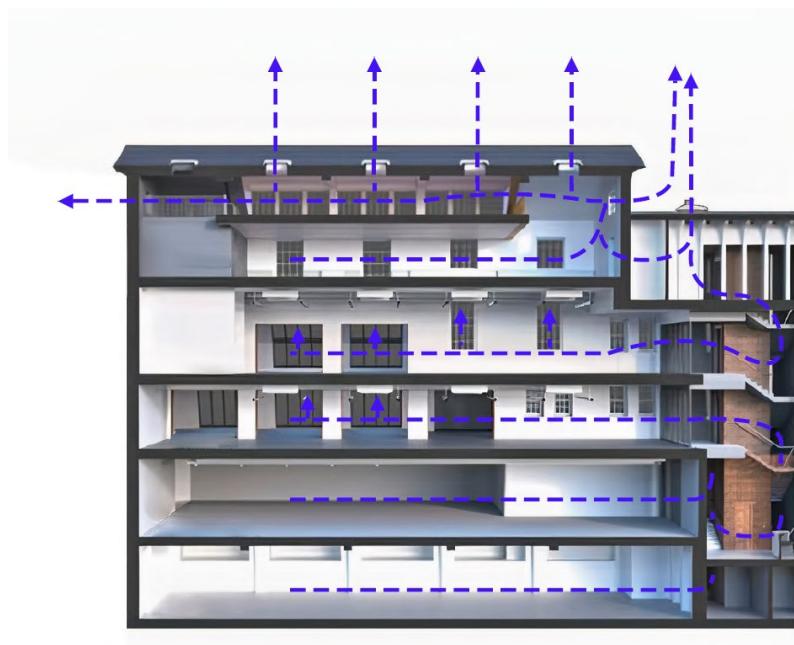
**Figure 8: Wind driven ventilation**



### **Passive stack ventilation**

- 5.20 Passive stack ventilation is driven by differences in internal and external temperatures and is achieved by placing ventilation openings at different heights. It is based on the 'stack' effect whereby warm air naturally rises and is replaced with cooler air entering at a lower level. In order to make a passive stack approach work, vents should be placed in rooms which require fresh air to replace moisture-laden or odorous air. Ducts draw the warm air up and out of the building, and ventilation openings (such as trickle vents in winter or open windows in summer) draw in fresh air from 'dry' rooms. Figure 9 illustrates this approach.

**Figure 9: Passive stack ventilation**



## **Insulation**

- 5.21 Around half of the heat lost in a typical home is through the walls and roof spaces. Increasing insulation levels significantly beyond current building regulations requirements is the cheapest and most effective method of reducing CO<sub>2</sub> emissions, and energy needs. It requires minimal maintenance and should last the life of the building. It reduces heat losses and gains through the fabric of the building and minimises the costs of heating and cooling systems. Buildings are kept warmer in the winter and cooler in the summer. Insulation measures include:
- Loft insulation;
  - Tanks and pipe insulation;
  - Cavity wall insulation;
  - Solid wall insulation;
  - Floor insulation;
  - Draught proofing; and
  - Double and triple glazing.
- 5.22 However, as with all measures, these should be weighed against other design considerations. In particular, the use of solid wall insulation should be avoided where this can affect the appearance of traditional brickwork and tile-hangings<sup>46</sup>.
- 5.23 Thermal insulation is measured using ‘U values’. The U value is a measure of how readily heat will flow through the structure. The lower the U value, the less heat is transferred through the fabric of the building. An increased thickness of insulating materials will increase energy efficiency and reduce the U value. More information on home insulation can be found at the Energy Saving Trust.

## **Airtightness**

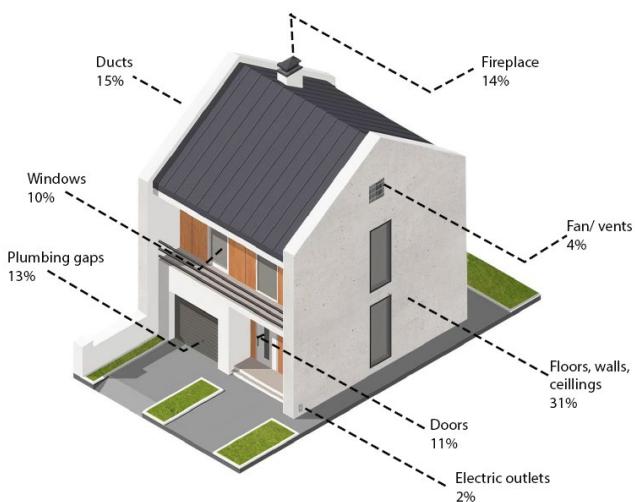
- 5.24 Significant reductions in heat loss can also be achieved by reducing air infiltration through the building fabric and making the building air-tight. Air leakage occurs in several places, particularly draughty windows and doors and joints between ceilings and walls. This can be reduced through careful construction practices, to ensure gaps in the fabric are minimised (see Figure 10). Measures include:
- Ensuring gaps around window and door frames are properly sealed;
  - Draught-stripping external windows and doors (other than bathrooms unless other ventilation measures are included);
  - Using controlled ventilation in kitchens (with draught-stripping);
  - Sealing holes around services passing through the external walls including water pipes, gas pipes, boiler flues and electrical cables;

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<sup>46</sup> Internal dry-lining has been shown to work well within the borough in these instances.

- Choosing airtight light fittings, or sealing gaps around light fittings and ceiling pull cords;
- Sealing the joint between the ceiling and the external wall; and
- Sealing the joint between the dry-lining and the skirting board.

**Figure 10: Air leakage in a house**



## Solar Gain and Overheating

5.25 Whilst reducing energy needs – and associated carbon emissions - through retaining as much heat as possible is important, this does nonetheless need to be balanced against the issue of overheating, which in the built environment is also a growing issue; twenty per cent of homes in England already experience overheating in the summer months<sup>47</sup>, and with temperatures rising, this should be addressed in advance through appropriate measures. The UK's Climate Change Risk Assessment identifies high temperatures and the threat this poses to health, wellbeing and productivity as one of the six priority risk areas for action.

5.26 Properties at a higher risk of overheating include:

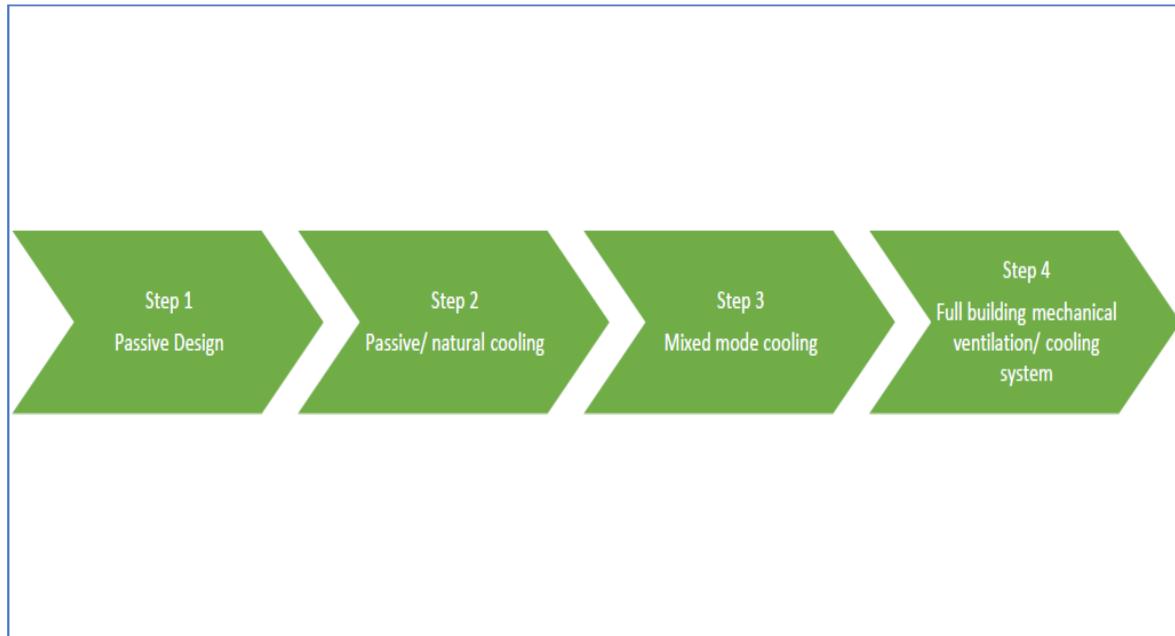
- Flats with south and west facing facades due to excess solar gain;
- Top floor flats with heat gain through the walls and roof;
- Single aspect flats (no cross-ventilation allowance);
- Properties with district heating or similar, where excess internal gains arise from poorly placed or poorly insulated pipe work;
- Buildings with heat recovery systems that have no summer bypass mode; and
- Buildings with poorly designed thermal mass coupled with insufficient secure ventilation to enable night purge of heat to take place.

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<sup>47</sup> <https://www.zerocarbonhub.org/sites/default/files/resources/reports/OverheatingTheBigPicture-ExecSummary-Screen.pdf>

5.27 Air conditioning is commonly used to address overheating, but this is energy intensive with high associated levels of carbon emissions. It also places a cost on future occupiers in terms of both energy bills and maintenance costs. Therefore, the Council's preferred approach to overheating is that the design of developments should follow a 'cooling hierarchy' (see Figure 11 below), subject to taking a balanced approach to this and other design considerations.

**Figure 11: Cooling Hierarchy (adapted from Islington Borough Council 2012)<sup>48</sup>**



5.28 The cooling hierarchy is as follows:

- **Passive Design.** Minimise internal heat generation through energy efficient design and reduction of the amount of heat entering the building in the summer and shoulder months through consideration of orientation, overhangs and shading, albedo, fenestration, insulation, and green roofs (see Chapter 7). Where heat is to be managed within the building through external mass and high ceilings, provision must be made for secure night-time ventilation to enable night purge to take place.
- **Passive/natural cooling.** Use of outside air, where possible pre-cooled by soft landscaping, a green roof (see Chapter 7) or by passing it underground to ventilate and cool a building without the use of a powered system. This includes maximising cross ventilation, passive stack and wind driven ventilation and enabling night purge ventilation. Single aspect dwellings should be avoided for all schemes as effective ventilation can be difficult or impossible to achieve. Windows and/ or ventilation panels should be designed to allow effective and secure ventilation.

<sup>48</sup> London Borough of Islington 2012 Low Energy Cooling Good Practice Guide 5

- **Mixed Mode Cooling.** Use of local mechanical ventilation/ cooling to supplement the above measures (in order of preference):
  - i. Low energy mechanical cooling (e.g. fan powered ventilation with/ without evaporative cooling or ground coupled cooling).
  - ii. Air conditioning – last resort as these systems are energy intensive.
- **Full building mechanical ventilation/ cooling system.** Use only the lowest carbon/energy options once all other elements of the cooling hierarchy have been utilised.

## Glare

- 5.29 In addition to solar gain, it is also important to consider the effects of potential glare at the design stage. As with overheating this can be addressed through effective layout and design and the inclusion of effective solutions such as low eaves-height blinds; brise soleil screening; external shuttering; lighter colour palettes; and the use of photochromic/ thermochromic glass, to be selected with consideration of other design matters, such as local distinctiveness and character.

## Planning Applications

- 5.30 The supporting Carbon Reduction Statement should show consideration of passive design within the proposed scheme. Particular focus should incorporate a discussion on how the orientation, shading, ventilation and overheating have been considered within the scheme and the benefits of the proposed approach when compared with other solutions, and it should also include consideration of the development's effects upon neighbouring sites regarding minimising the detraction of sunlight from existing solar panels. It will also be necessary to submit evidence of how these measures have been considered within the scheme as part of the Sustainability Checklist submission (required as part of the application's validation).
- 5.31 **Thermal modelling**  
 Completing the Good Homes Alliance (GHA) Early Stage Overheating Risk Tool will help inform the initial design and any pre-application discussions with the Council. For major applications it is recommend that the proposed development undergoes thermal modelling, with buildings designed to meet CIBSE's latest overheating standards. For housing led schemes this should refer to the guidance in CIBSE TM59. For other uses, CIBSE TM52 guidance should be applied. Consideration should be given to future climate scenarios. Where officers have concerns about potential overheating, a planning condition may be used to secure overheating analysis for a sample of units on the site.

5.32 **Post occupancy monitoring condition**

To ensure that new developments are meeting their modelling findings a specific condition will be included with the planning permission requiring annual monitoring for 5 years following construction (by the developer, and reported to the Council), of the

development's overheating performance to assess how the scheme is meeting the agreed evidence.

## Further guidance and tools

Good Homes Alliance, 2019 [Tool and guidance for identifying and mitigating early stage overheating risk in new homes](#)

Islington Borough Council, 2012 [Low Energy Cooling. Good Practice Guide 5](#)

CIBSE, 2013 [TM52: The Limits of Thermal Comfort: Avoiding Overheating in European Buildings](#)

CIBSE, 2017 [TM59: Design Methodology for the Assessment of Overheating in Homes](#)

## 6. Renewable and/or low-carbon, and local, power and heating

- 6.1 To help meet national and international<sup>49</sup> targets for reducing emissions of greenhouse gases, including carbon, and to ensure constant energy supplies, there is a need to further reduce or eliminate the burning of fossil fuels, such as gas, for power and heat<sup>50</sup>, and this chapter provides advice on how this can be achieved in new developments. The use of gas to heat homes will be phased out in coming years (by 2025<sup>51</sup>), providing essential impetus to plan for suitable alternatives in new development.
- 6.2 The technologies set out in the following chapter present a variety of approaches to contributing to a reduction in the use of fossil fuels for energy. The first section looks at systems of heating and power that aim to harness the residual energy from other processes, thus creating efficiencies in the existing use of energy – whether fossil fuels or renewables. This includes systems such as Combined Heat and Power (CHP) systems, district heating, and thermal storage. The second part considers the use of renewable technologies such as solar and wind power, and measures such as heat pumps or solar for direct heating.
- 6.3 There is also a need to reduce energy wastage through grid-transmission, which can be achieved through greater use of locally-generated power – and all of the systems set out can contribute to this objective; it also touches upon requirements for those considering setting up renewables technology farms or stations.
- 6.4 It is worth noting that over the past ten years these technologies have continued to evolve into more efficient and robust systems. Furthermore, with growing competition, prices of the improving products have continued to fall in real terms and the onsite delivery know-how and skillset continues to grow year on year. Since the 2013 Building Regulation amendments, there is even more impetus to ensure that developments are low carbon, a requirement that is going to continue to intensify.

### Relevant local plan policy links

- 6.5 These policies, contained in full in Appendix 3, support the use of low-carbon and renewable sources for heat and power. CS10 (point 7) seeks the re-use of natural resources, maximising energy efficiency, and adopting renewable and low carbon technologies. As part of this direction, CS11 (point 2) encourages developments to connect to existing district heating and combined heat and power networks. This is developed further in CCF1 and extends to on site micro-generation as well as supporting low carbon technologies and renewables.

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<sup>49</sup> The UN Paris Agreement 2016

<sup>50</sup> Targets have been largely met so far by changes to national electricity generation, according to the UK's Climate Change Committee.  
<sup>51</sup> <https://www.bbc.co.uk/news/science-environment-47559920>

## **Efficient use of residual energy technologies**

- 6.6 The middle tier of the Energy Hierarchy encourages the use of technologies that are able to make use of locally-available energy that would otherwise have been wasted, to produce heat and energy, thereby reducing the overall level of carbon emissions. These technologies produce some carbon emissions but at lower rate than traditional means such as existing domestic gas or oil fuelled central heating boilers or the use of large grid based systems which lose in the region of 26 terawatts per hour in the transmission process<sup>52</sup>.
- 6.7 These types of energy sources include: connections to district heat and cooling systems or combined heat and power systems (CHP), micro-combined heat and power systems (MCHP) (set out below), some forms of thermal storage systems (see paragraph 6.48 below), and waste-management to create renewable energy, such as anaerobic digestion. However, it should be noted that new developments should be aiming to reduce carbon emissions to zero where possible, for example through the use of renewable technologies such as heat pumps.

## **District Heat and Cooling Systems**

- 6.8 District heat and cooling systems are well-established, using excess heat from existing industrial processes or heat produced by traditional boilers or incinerators, to heat a neighbourhood. Heat is transmitted through a network of pipes from the source to individual buildings. Figure 12 pictured below is a ground-breaking example from in Odense, Denmark, where the surplus heat from a social media data centre is fed back into the city's district heating system<sup>53</sup>. Currently there are some 17,000 such networks in the UK<sup>54</sup>.
- 6.9 At present there are very few such networks in Reigate and Banstead, but the Council would be supportive of partners developing appropriate schemes. Such a system would reduce energy use and emissions for heating, which is currently around half of all energy produced in the UK.

**Figure 12: District Heating in Denmark**



source: <https://foresightdk.com/the-path-to-emissions-free-district-heating-in-denmark/>

<sup>52</sup> <https://www.statista.com/statistics/322834/transmission-distribution-and-other-losses-of-the-public-electricity-distribution-system-in-the-united-kingdom-uk/>

<sup>53</sup> <https://uk.ramboll.com/projects/rdk/unprecedented-data-centre-surplus-heat-recovery>

<sup>54</sup> [https://www.theade.co.uk/assets/docs/resources/Heat%20Networks%20in%20the%20UK\\_v5%20web%20single%20pages.pdf](https://www.theade.co.uk/assets/docs/resources/Heat%20Networks%20in%20the%20UK_v5%20web%20single%20pages.pdf)

## Combined Heat and Power (CHP)

- 6.10 CHP is a highly efficient process – over 80 per cent - that captures and utilizes the heat that is a by-product of the electricity generation process and would otherwise be wasted, reducing the need for additional fuel to be burnt. By generating heat and power simultaneously, CHP can reduce carbon emissions by up to 30% compared to the separate means of conventional generation via a power station and then a boiler. The heat generated during this process is supplied to an appropriately matched heat demand whose needs would otherwise be met by a conventional boiler.

**Figure 13: CHP Unit**



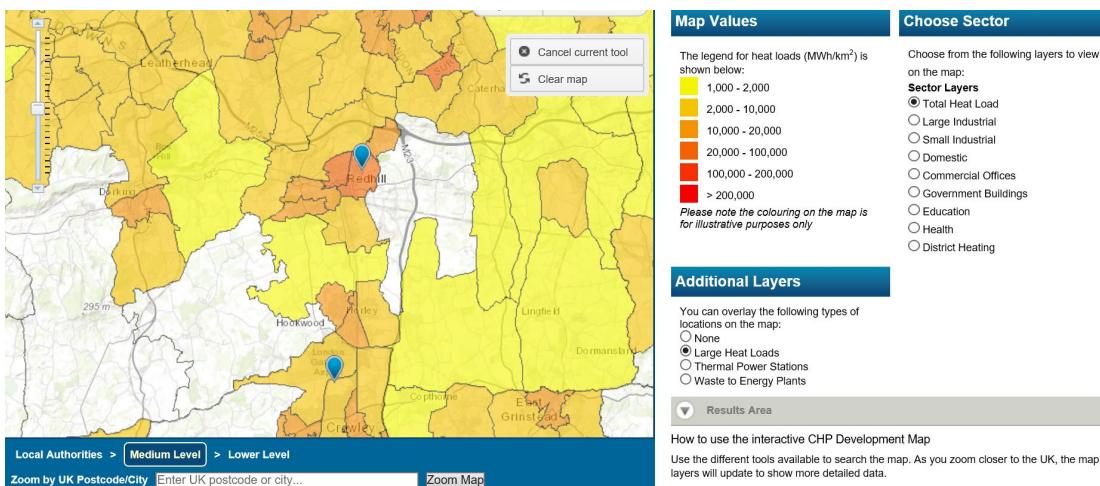
Source: <https://www.newenco.co.uk/combined-heat-power/benefits-of-chp>

- 6.11 For many larger developments, CHP is the measure that offers the most significant single opportunity to reduce energy costs and improve environmental performance, reducing carbon emissions by around 30% typically. Furthermore, transmission and distribution losses are reduced and there is increased fuel supply security. Therefore, the Government supports the development of CHP and has set up a free service, CHP Focus, providing the necessary information and online tools to assist developers, including a Site Assessment Tool, the UK CHP Development Map, and a CHP Scheme Database. Details where to find these are contained at the end of this chapter.
- 6.12 The UK CHP Development Map provides a useful starting point for developing CHP, and shows that at present Redhill represents the most promising location for CHP technology within Reigate & Banstead borough, as there is potentially a large available heat load to support such a system, so this approach could therefore be considered for developments in and around Redhill.
- 6.13 However, CHP does have some challenges with regard to the location of the facility and the associated flue, and impacts upon air quality, noise and visual amenities, all of which need to be carefully considered when using this technology; for example schemes using CHP will be unlikely to be given permission in areas – or where it could affect areas – already affected by poor air quality issues, such as Air Quality Management Areas (AQMA), and aerodrome safeguarding requirements need to be taken account of regarding the height of the flue and vicinity of an aerodrome such as Gatwick (in regard to impacts on navigational aids/instrument flight procedures; emissions; or protected surfaces infringement). Additional

information about this can be found at <https://www.aoa.org.uk/policy-campaigns/operations-safety/>.

- 6.14 CHP plants need permanent availability of access, and there are also issues surrounding the developing and connecting to the network, and setting aside paths for future expansion - including ducting to accommodate future upgrades, which need to be considered early in the design of the scheme.

**Figure 14: UK CHP Development Map**



Source: <https://chptools.decc.gov.uk/developmentmap>

## Micro-CHP (Micro Combined Heat and Power)

- 6.15 Micro-CHP boilers are designed to generate all the heating and hot water and a significant percentage of the electricity needed by a typical home. Such technology can significantly reduce carbon emissions. They also benefit from increased efficiency as they generate electricity directly on site, therefore avoiding the transmission losses that occur when power is taken from the grid.

**Figure 15: Micro-CHP domestic boiler**



Source: <https://www.conservatoryhub.com>

- 6.16 Micro CHP is generally considered permitted development where the works are internal. There are design requirements in conservation areas which are outlined below.

## Renewable energy and heating sources

- 6.17 Renewable energy is energy ‘generated from natural resources such as the sun, wind, and water, using technology which ensures that the energy stores are naturally replenished’<sup>55</sup>. Low-carbon energy technologies do not always draw upon renewable sources, but can aid the demand for energy and reduce carbon emissions. 10% of expected energy usage should be from renewable or low-carbon generation, unless it can be shown not to be viable.
- 6.18 A sample of renewable technology options for heating and power are set out below, that are currently considered effective in Reigate & Banstead borough.
- 6.19 It will be necessary to carefully consider appropriate technologies and systems to compliment the development. Whilst each have benefits regarding sustainability, there are also limitations for each, as set out in the descriptions below. Specialist advice should be sought to design the most effective solution for the development.

## Renewable electricity sources

### Solar energy/Photovoltaics (PV)

- 6.20 Solar panels or tiles can be used to capture energy from the sun to be converted to electricity for the home<sup>56</sup>. Photovoltaics consist of cells grouped together in ‘modules’. PV cells work when light is shining onto them, so whilst direct sunlight can generate a greater level of electricity, electricity is still generated in cloudy conditions (though not at night-time).

**Figure 16: Solar Panel Installation**



Source: <https://www.savingenergyuk.co.uk>

- 6.21 Solar energy is a highly sustainable renewable resource with no associated carbon emissions or air pollutants. It should therefore definitely be considered for inclusion on new housing developments, though mains or other forms of renewable electricity may need to be used to supplement this at night. Where there is space, it may be possible to store the

<sup>55</sup> Energy Savings Trust

<sup>56</sup> This works through the displacement of electrons from semi-conductive materials, which creates an electrical flow in DC which is then run through a converter to produce AC electricity for the home. (Energy Savings Trust, website)

energy generated in specially designed batteries (see below). However, all utilisation of PV in development/conversion schemes should take full account of the need to ensure that visual amenity and aesthetics are not compromised, and that the quality of local buildings/environments and their distinctive characters and settings are not diminished. (Please see the Council's Local Character and Distinctiveness Design Guide 2020, para 6.48.)

- 6.22 The location, design, orientation, and overshadowing of buildings is a factor in the effectiveness of solar energy generation. For the best results, roofs should face south and have a pitch of 30 to 40 degrees<sup>57</sup>. North-facing roofs are not recommended. The amount of surface available for capturing sunlight will also be a consideration. The Energy Savings Trust suggests that to generate between 20 and 45 per cent of a typical home's electricity needs, a surface area of 10 to 20 m<sup>2</sup> should suffice.
- 6.23 Solar cells have flexibility as modules can come as groupings, known as arrays, all of which can be designed in different shapes and sizes. In addition to being installed as panels on roofs, they can also be integrated into tiles, replacing conventional roof tiles<sup>58</sup>, or for a fitting to a ground space, all of which may be a useful for historic/listed buildings or buildings in sensitive areas. However, because tiles are more expensive than panels, they are normally used for aesthetic reasons.
- 6.24 The Council's Local Character and Distinctiveness Design Guidance SPD 2020 contains information that should be followed on how to minimise the visual impacts of PV. In particular, PV should be carefully considered in terms of its visual impacts where it can be seen on street frontages. Modules can also be sited effectively on out-buildings or in garden arrays, and use can be made of crown-roofs and 'hidden valleys'. The Council also requires a block design, not stepped designs of tiles, carefully integrated into roofs.
- 6.25 Careful consideration also needs to be made of the cell colour. At present many of the PV units are black/ dark grey, and black is required in Reigate & Banstead borough. However, many houses in Reigate & Banstead borough have a Surrey vernacular which includes red tiled roofs. There are some red tiled alternatives available, and this issue is particularly pertinent in conservation areas and with listed buildings. However, this may not be suitable where the local vernacular 'plain' tiles are in situ.
- 6.26 Please note: plans for installation of solar panels/arrays in the vicinity of any aerodrome, in particular Gatwick Airport, and on flight-paths, should be mindful of potential impacts upon the navigational aids, or the attraction of birds, and may therefore require consultation with the Airport, or bird-proofing measures.

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<sup>57</sup> [Energy Savings Trust](#)

<sup>58</sup> These are more expensive than solar panels, typically about twice the cost ([Energy Savings Trust](#)).

**Figure 17: Red backed solar panels**



Source: <https://gallerykitchendesign.co.uk>

### Bio-solar/Smart Green Infrastructure

- 6.26 The efficiency of solar panels can be enhanced when combined with the provision of green/living roofs (see Chapter 7 for more on green roofs in general)<sup>59</sup> Evapotranspiration from a green roof can keep PV panels closer to an optimum temperature of around 25 degrees C<sup>60</sup>, and the greenery can also keep dust and air-pollution at bay, so that dust levels affecting the panels would be lower than on a bare roof in the same location<sup>61</sup>. However, in the south of the borough, around the Gatwick flightpath, such roofs need to be mindfully designed/planted to avoid attracting the sorts of birds likely to be involved in bird-strike on planes using the airport. These tend to be larger birds not attracted to green roofs; nonetheless, in some cases, green roofs may not be an option on air safety grounds.

**Figure 18: Solar panels on a green roof**



Source: <https://livingroofs.org/introduction-types-green-roof/biosolar-green-roofs-solar-green-roofs/>

<sup>59</sup> Chemisana & Lannatou 2014; Tomazin 2016 - Natural England/RSPB – Climate Change Adaptation Manual (NE751, Edition 2) (2020) – Evidence to support nature conservation in a changing climate

<sup>60</sup> Information from Turfonline/Treeliving/Livingroofs.org

<sup>61</sup> Green Roof Technology 2015

## Wind turbines

- 6.27 Wind turbines harness energy from the wind which can be converted into electricity for homes and businesses. Historically this has been very popular in Reigate & Banstead, for example wind power has been harnessed on Wray Common.

**Figure 19: Wray Common Mill, Reigate**



- 6.28 Wind energy is a very sustainable renewable resource with no associated carbon emissions or air pollutants. There are two types of wind turbine – those that are free-standing on a pole located in an exposed position (Figure 20), and smaller ones mounted onto a building (Figure 21). The amount of electricity generated is dependent on the strength of the wind, and the size of the wind turbine; wind speed inconsistencies can create problems, and realistically the best locations are often on hill ridges where the winds are more constant. Electricity generated in this way can be stored in specially designed storage systems such as batteries (see below), for use when there is less wind.

**Figure 20: Free standing wind turbine**



Source: [Ecopowershop.com](http://Ecopowershop.com)

**Figure 21: Mounted wind turbine**



Source: [Thegreenage.co.uk](http://Thegreenage.co.uk)

- 6.29 Nonetheless there are a number of important planning issues that will need to be considered, including the impacts of noise and vibration, and visual impacts, on neighbouring properties; Conservation Areas; the setting of listed buildings and Areas of Outstanding Natural Beauty; and wildlife. The location and size of wind turbines will also need to be controlled where they could affect air traffic control radar systems; Instrument Flight Procedures (IFP); or protected surfaces in the vicinity of aerodromes, and in particular Gatwick airport. Therefore, if planning to install a wind turbine, it is advisable to speak with the Duty Planning Officer first.

## Renewable heating technologies

### Air-source heat pumps (ASHP)

- 6.30 Air-source heat pumps can heat a home and the water supply through extracting heat from the air outside of the building and compressing it within a pump, heating fluid, which can then be transferred to heat the home and/or the water circuits. These are air-to-air, and air-to-water types of pumps, respectively. They can function in sub-zero temperatures<sup>62</sup> which makes the technology a largely non-seasonal and reliable option for renewable energy. ASHPs still require electricity from another source to run on, but the heat generated outweighs the electricity requirements (in terms of sustainability). The use of ASHPs helps reduce carbon emissions.

**Figure 22: Air Source Heat Pump**



<sup>62</sup> The Energy Savings Trust note that this is possible down to temperatures of -15 degrees C.

Source: <https://www.cse.org.uk/advice/renewable-energy/air-source-heat-pumps>

- 6.31 ASHPs also have the benefit of often being easier to install than other forms of renewable technology. However, compared to gas or oil boilers there is not the same level or consistency of heat. ASHPs deliver heat at lower temperatures over longer periods than gas/oil boilers. They are therefore potentially more efficient with good insulation, larger radiators, and/or underfloor heating systems<sup>63</sup>. ASHP systems typically work with thermal stores systems, allowing stored heat to be used rather than turning the pump on and off when demand is lower.
- 6.32 Nonetheless ASHPs are not typically able to provide hot water at a temperature high enough to kill bacteria such as Legionella, and additional power supplies would be needed to ensure water was heated high enough for this purpose (to 60 degrees C).
- 6.33 Other issues to consider will be the design of the building and surrounding area, a suitable outside wall/ground space needed with sufficient air circulation space around it. Sunny walls are ideal<sup>64</sup>. In planning terms consideration should also be made of the impacts of noise and vibration associated with the device on neighbouring properties.

### **Ground-source heat pumps (GSHP)**

- 6.34 Ground-source heat pumps extract heat from within the ground via buried pipes (ground loops) and can heat a home and the water supply. This works through circulating a water/antifreeze mixture through the pipes, which absorbs ground heat – at a low temperature - which is passed through a compressor, which raises the temperature, allowing this to heat the hot water supply and heating. Cooled water then re-enters the circuit and starts the process again.
- 6.35 This source of heat can be utilised year-round, as sub-surface ground temperature stays fairly constant<sup>65</sup>. However, the amount of heat that can be generated is dependent on the length of the loops installed, which is dependent on the ground space available.

**Figure 23: Installation of Ground Source heating coils**



Source: <https://www.homebuilding.co.uk/advice/ground-source-heat-pumps>

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<sup>63</sup> The Energy Savings Trust

<sup>64</sup> The Energy Savings Trust

<sup>65</sup> The Energy Savings Trust

- 6.36 GSHP loops are laid horizontally in a trench – about a metre below the ground surface<sup>66</sup> – where there is sufficient outdoor space to allow this, or heat can be extracted from the ground much further down via boreholes drilled to perhaps 90-160 metres deep<sup>67</sup>. Pumps can be installed without the need for planning permission. However, it is advisable to check with the duty planning officer, and conservation officer, regarding ecological and conservation requirements (and a discussion with a tree officer may also be identified as necessary). This may include ecology studies, possibly including water temperatures (where there is water); consideration of water source protection areas; arboriculture assessments and impacts on protected or other trees; tree roots impacts studies; and archaeological investigations.
- 6.37 GSHPs require electricity from another source to run on, but the heat generated outweighs the electricity requirements. There is still a saving in terms of renewables, and GSHPs reduce carbon emissions. GSHP systems can typically work well with thermal stores systems, allowing stored heat to be used rather than turning the pump on and off when demand is lower.
- 6.38 GSHPs are a useful renewable energy resource that can work in tandem with the provision of green infrastructure and open space (utilising heat from the ground in these spaces). They can also be laid for several properties and therefore with fewer boreholes, and to provide the ready infrastructure for new properties. However, like other forms of renewable technology, they will require regular testing and maintenance to ensure effective operation. The same also applies regarding the need for larger radiators or underfloor heating systems.

### **Water-source heat pumps**

- 6.39 Similarly to ground-source heat pumps, water-source heat pumps use pipes to extract heat, in this case from water sources: either groundwater aquifers (using open-loop boreholes), or lakes/rivers (surface water-source heat pumps). They run efficiently (four times more so than ground-source heat pumps), without carbon emissions, or other air pollution<sup>68</sup>. The same also applies regarding the need for larger radiators or underfloor heating systems.
- 6.40 As would be expected this sort of heat pump is limited to developments sited close to a water-body, or with the ability to establish access to ground-water aquifers, and reference should be made to the Code of Practice for Water Source Heat Pumps – Code of Practice for the UK<sup>69</sup>, or the Code of Practice for Groundwater Source Heat Pumps<sup>70</sup>. Developments including balancing ponds could usefully make use of this technology also.

### **Solar water heating/Solar thermal systems**

- 6.41 Solar water heating, also called solar thermal systems, makes use of the sun's heat to directly heat water for hot water and heating in people's homes. This works through the

<sup>66</sup> [The Energy Savings Trust](#)

<sup>67</sup> [The Energy Savings Trust](#)

<sup>68</sup> Ground-source Heat Pump Association

<sup>69</sup> Published by CIBSE, GSHPA, and HPA

<sup>70</sup> Published by CIBSE, GSHPA, and HPA

installation of heat-capturing tiles (called collectors) onto roofs or walls, which then heat water in a cylinder.

- 6.42 Solar energy is a very sustainable renewable resource with no associated carbon emissions or air pollutants and should therefore be considered for inclusion on new developments. The system of heating water works year-round, though a conventional boiler may still be required with this system for providing enough hot water in the winter months, or for making water hot enough.
- 6.43 However a solar water thermal store can allow excess heat gathered on a warm day to be used for other purposes, such as general heating, creating greater efficiencies.
- 6.44 There are two types of solar water-heating panels – glass tubes attached to the roof tiles (evacuated tubes), and flat plate collectors, which can be attached on or integrated into the roof. Tiles and panels can be attached to roofs or other spaces such as walls, and typically five square metres of panels is needed for the average size home, located on a non-northerly aspect. Space would also need to be made available for a thermal stores tank if this was to be incorporated into the system for greater efficiency and flexibility.

**Figure 24: Solar Water heating**



Source: <https://www.cleanenergyauthority.com>

- 6.45 Such units generally do not require planning permission unless they're in a conservation or sensitive area, such as AONB<sup>71</sup>, or on or near a listed building, though the same design considerations apply as for PV as set out at paragraphs 6.21-6.25 above.

### **Storing excess heat and energy**

- 6.46 An important consideration is not wasting the heat and energy generated from the various processes described above. Thermal stores and batteries enable any excess heat or energy generated from low-carbon and renewable systems to be utilised at a time that is convenient.

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<sup>71</sup> Area of Outstanding Natural Beauty

6.47 Some systems for energy storage have ‘smart’ options, allowing for tracking of energy-use online and decisions regarding optimum times for charging the system or drawing power from it.

### **Thermal stores (Heat storage)**

- 6.48 Thermal stores consist of a very well insulated water container which can store the heat produced from the technology described above for many hours. They also have at least one heat-exchanger fitted. Typically, these containers can vary in size from between 120 litres to 500 litres capacity<sup>72</sup>. Thermal stores can also utilise ‘phase-change’ materials technology. To accommodate such a system, adequate space will be required.
- 6.49 The Energy Savings Trust notes<sup>73</sup> that the full benefit of thermal stores is derived from a design which allows a variety of inputs and outputs (e.g. for heating or hot water, etc), and thermal stores are noted<sup>74</sup> as working particularly effectively to enhance the efficacy of solar water heating and heat pumps. SMART systems will prioritise the use between the renewable source and the thermal storage to ensure the most effective distribution of the energy available.

### **Batteries and Inverters**

- 6.50 An alternative to thermal stores is the use of deep cycle batteries which can store power from a variety of electricity-generating systems so that it is available when needed. However, inverters may also be needed alongside batteries for running many standard AC appliances, and for battery charging.

### **Offsetting**

- 6.51 Where site constraints limit the ability to meet the carbon reduction target for a scheme, any short fall must be provided off-site or through a cash-in-lieu contribution, possibly for off-site renewables where these are not possible on-site, through a green tariff. The council may agree with a developer for the developer to directly off-set any shortfall in carbon dioxide reductions from a development by installing carbon dioxide saving measures off-site, e.g. photovoltaic panels on a local public building.

### **Energy from Biomass Combustion**

- 6.52 Burning logs, chips, or pellets can be a more sustainable option than burning coal, oil or gas<sup>75</sup> with regard to carbon emissions, but there are concerns regarding the effects of biomass on air-quality, and therefore this should only be considered in areas of low population density. (NB Parts of the borough are in Air Quality Management Areas<sup>76</sup> and it

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<sup>72</sup> The Energy Savings Trust

<sup>73</sup> The Energy Savings Trust

<sup>74</sup> <https://energysavingtrust.org.uk/advice/biomass/>

<sup>75</sup> Energy Savings Trust

<sup>76</sup> [https://www.reigate-banstead.gov.uk/info/20333/air\\_quality/542/air\\_quality\\_reviews](https://www.reigate-banstead.gov.uk/info/20333/air_quality/542/air_quality_reviews)

is possible that biomass could be banned outright in the future). Further guidance on Smoke Control Areas and Smokeless Fuels can be found at: [www.reigate-banstead.gov.uk/info/20333/air\\_quality/542/air\\_quality\\_reviews](http://www.reigate-banstead.gov.uk/info/20333/air_quality/542/air_quality_reviews).

- 6.53 It is important that the biomass is sourced locally, so that carbon reductions are not lost through the transport of this fuel. Log-burning boilers are larger than standard boilers, so additional room would need to be provided for this, and for adequate storage space for the delivery and storage of the fuel. Additionally, the homes would need to be designed with flues/chimneys, and fire safety standards applied.
- 6.54 A biomass system based on wood-burning (e.g. log-boilers) is more effective when accompanied by a thermal storing system (see below), given the need to burn batches of logs at high efficiency levels rather than in small quantities throughout the day<sup>77</sup>, allowing some of the excess heat generated at maximum output to be stored for when it is needed. So additional room for thermal stores tanks may also need to be considered on the site. In addition, consideration should be given to the ease of use of systems for residents.
- 6.55 For a development of groups of houses, or for larger buildings, wood chips can be used provided the proposal can meet the environmental requirements. This should be detailed in the Energy Statement accompanying a planning application.

## Planning Applications

- 6.56 The following section sets out considerations for planning applications in regard to specific types of technology. However all choices regarding renewable, energy-efficient, or low-carbon technologies – whether stand-alone or in combination – should have considered the suitability of location, space, orientation, shadowing and other pertinent environmental factors related to the site and development in question, and this includes aesthetic issues, and historic considerations where this is relevant.
- 6.57 **Micro CHP** - Planning permission would not be required for any internal components of the system, and fitting an external flue onto a house will normally be permitted development, providing the conditions outlined below are met:
- Flues are less than 1m above the highest part of the roof (excluding any existing chimneys);
  - In a conservation area the flue should not be fitted on the principal or side elevation that fronts a highway, and all impacts on the conservation area should be considered and minimised, including through the use of black paint; and
  - If the building is listed or in a conservation area, it is always advisable to check with the Reigate & Banstead Conservation Officer before a flue is fitted as other consents may be required.

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<sup>77</sup> [Energy Savings Trust](#)

- 6.58 **Larger CHP** - Installing a larger CHP installation in non-domestic buildings e.g. office development or supermarket, will require planning consent, unless contained within an existing site building. This means that issues such as access, visual impact, noise, construction activity etc. will all need to be addressed in the planning application.
- 6.59 Applicants proposing to use CHP will be asked to: use low-carbon emission units and provide sufficient information to justify its use (compared with other greener technologies in accordance with the energy hierarchy); ensure that the carbon and air quality impact is minimised, including the selection of a low emission unit and use of abatement technology. Emissions testing will be conditioned to demonstrate that the installed system meets emission limits prior to occupation.
- 6.60 **Communal Heat and CHP Networks** - Where a communal Heat or CHP network is proposed this should be supplied by a single energy centre where all energy generating equipment is located. A single energy centre will facilitate the simplest connection (whether immediately, or at a later date) to an area wide network as well as reduce maintenance and operating costs.
- 6.61 Such a proposal will require a supporting **Carbon Reduction Statement** which must demonstrate that enough space has been allocated for a sufficiently large energy centre that will allow for its connection to an area-wide heat network, including for phased schemes. This must be clearly shown on the plan drawings of the development and the floor area in square metres should be confirmed in writing. A floor plan showing the layout of the plant in the energy centre should also be provided to demonstrate that sufficient space has been allowed for the specified equipment and, where applicable, additional equipment to be installed in the future.
- 6.62 Applicants will be required to calculate the design heat loss of their proposed system and include them within the energy calculations. These should be based on the pipe length of the total network (both buried and block pipework), design temperatures (including any design summertime temperature reduction) and the level of insulation proposed. Full details should be provided in the energy assessment. A calculation for the resulting system distribution loss factor should be provided as part of the submission.
- 6.63 **Large Scale CHP Plants** - Large scale commercial CHP plants may also require authorisation from the Environment Agency regarding emissions and wastes; in particular, such facilities installed within urban areas will need to demonstrate that they are not causing breaches of air quality standards and targets. Large facilities may also require approval from other regulatory bodies regarding their use of gas as a fuel.
- 6.64 The installation of any new heating appliance or flue, will be subject to Building Regulations.
- 6.65 **Solar Panels and PV cells** - The installation of solar panels and equipment on residential buildings and land may be 'permitted development' with no need to apply for planning permission. However, this is subject to limits and conditions that are set out above, and you

are advised to contact the duty planning officer. Need for permission may apply where the area is under an 'article 4' directive or is a Conservation Area.

- 6.66 Solar equipment mounted on a house or block of flats or on a building within the curtilage of a house or block of flats must observe the following requirements:
- Equipment on a building should be sited, so far as is practicable, to minimise the effect on the external appearance of the building and the amenity of the area;
  - Panels should not be installed above the highest part of the roof (excluding the chimney) and should project no more than 200mm from the roof slope or wall surface;
  - The panels must not be installed on a building that is within the grounds of a listed building or on a site designated as a scheduled monument;
  - For buildings in a conservation area, or protected area, panels must not be fitted to a wall which fronts a highway; and
  - Equipment no longer needed should be removed as soon as reasonably practicable.

**Note** - Leaseholders may need to obtain permission from their landlord, freeholder or management company.

- 6.67 **Stand-alone arrays** - In addition to the conditions identified in para 6.59, small scale stand-alone solar arrays can benefit from permitted development rights. These limits include:
- Only the first stand-alone solar installation will be permitted development; further installations will require planning permission;
  - No part of the installation should be higher than four metres [from where?];
  - The installation should be at least 5m from the boundary of the property;
  - The size of the array should be no more than 9 square metres or 3m wide by 3m deep;
  - Panels should not be installed within boundary of a listed building or a scheduled monument; and
  - If the property is in a conservation area, or in a protected site, no part of the solar installation should be nearer to any highway bounding the house than the part of the house that is nearest to that highway.

- 6.68 Where the solar installation forms part of a planning application, the Carbon Reduction Statement should be completed. In addition, the council will require an analysis of the shadow effect on the proposed installation, to demonstrate the optimum performance that could be expected from PV panels, as even if a small part of a PV panel is shaded, the output will be significantly reduced.
- 6.69 **Air Source Heat Pumps** - The installation, alteration or replacement of an air source heat pumps on a house or block of flats, or within the curtilage (garden or grounds) of a house or block of flats, including on a building within that curtilage are permitted development provided the following requirements are met. For the permitted development right to apply to a block of flats, all units must consist wholly of flats and should not contain commercial or other types of premises. These requirements are set out in the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 14 Class G.

6.70 To implement such rights all the following should be met:

- Development is permitted only if the air source heat pump installation complies with the Microgeneration Certification Scheme Planning Standards (MCS 020) or equivalent standards;
- The volume of the air source heat pump's outdoor compressor unit (including housing) must not exceed 0.6 cubic metres for permitted development- a large unit and housing will require a separate planning permission;
- Only the first installation of an air source heat pump would be permitted development, and only if there is no existing wind turbine on a building or within the curtilage of that property;
- additional wind turbines or air source heat pumps at the same property requires an application for planning permission;
- All parts of the air source heat pump must be at least one metre from the property boundary; and
- Installations on pitched roofs are not permitted development - if installed on a flat roof all parts of the air source heat pump must be at least one metre from the external edge of that roof;
- Permitted development rights do not apply for installations within the curtilage of a Listed Building or within a site designated as a Scheduled Monument;
- On land within a Conservation Area or protected area the air source heat pump must not be installed on a wall or roof which fronts a highway or be nearer to any highway which bounds the property than any part of the building; and
- On land that is not within a Conservation Area, the air source heat pump must not be installed on a wall if that wall fronts a highway and any part of that wall is above the level of the ground floor.

6.71 In addition, the following conditions must also be met:

- The air source heat pump apparatus be removed where practicable when it is no longer needed for microgeneration; and
- Sited, so far as is practicable, to minimise its effect on the external appearance of the building and its effect on the amenity of the area.

6.72 Where there are uncertainties as to the scheme meeting these requirements it is advisable to speak with the duty planning officer.

6.73 **Ground/Water Source Heat Pumps** - The installation of a ground source heat pump or a water source heat pump on domestic premises is usually considered to be permitted development, not needing an application for planning permission. If you live in a listed building or a conservation area you should contact the Conservation Officer. Design considerations are set out above.

- 6.74 **Wind Turbines** – As noted above, all applications for wind turbines should be mindful of the noise and vibration effects upon settings and wildlife, and of aerodrome planning requirements<sup>78</sup>.
- 6.75 **Batteries storage** - In planning terms thermal storage and deep cycle batteries will help make the system more effective and thereby reduce carbon emissions. This should be reflected in the energy statement to support a planning application and the Carbon Reduction Statement. For most uses of these technologies, the storage capacity will be contained within an existing building or plant room and as such will not require specific planning permission.
- 6.76 **Non-Permitted Development Schemes** - Where there is a planning application for a scheme the Carbon Reduction Statement will need to be completed. For commercial type uses the scheme should achieve BREEAM very good in accordance with CS11. 10% of expected energy usage should be from renewable or low-carbon generation.
- 6.77 **Biomass** – please consider all notes set out above in regard to planning applications, including requirements for the Energy Statement and Carbon Reduction Statement – and also environmental suitability.

## Further guidance and tools

### BREEAM

Code of Practice for Groundwater Source Heat Pumps

Code of Practice for Water Source Heat Pumps – Code of Practice for the UK

Department of Energy and Climate Change 2008 Part 1 Combined Heat and Power Project Development

Department of Energy and Climate Change 2008 Part 2 Combined Heat and Power (CHP) Technology

Department of Energy and Climate Change 2008 Part 3: A guide to environmental aspect of CHP

Department of Energy and Climate Change 2008 Part 4: A Guide to CHP Operations and maintenance

Department of Energy and Climate Change 2008 Part 5: A guide to CHP Finance

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<sup>78</sup> <https://www.aoa.org.uk/policy-campaigns/operations-safety/>

Department for Business, Energy and Industrial Strategy 2020 Part 6: Additional Guidance for renewable CHP

Micro Generation Certification Scheme

Rising to the Climate Crisis – A guide for local authorities on planning for Climate Change  
(TCPA/RTPI, Dec 2018)

## **7. Green Infrastructure and ecology for reduced energy needs and efficiencies, and climate adaptation**

- 7.1 Green Infrastructure (GI)<sup>79</sup> including ‘blue’ infrastructure (ponds and rivers) is an important part of providing sustainable developments. It provides a broad range of benefits over time to occupiers/users (including exercise and access to nature for mental health<sup>80</sup> and biodiversity), and it can assist in mitigating climate change – for example through carbon capture - and adapting to changes in weather, as well as helping to improve air quality. The careful integration of GI into new development is key priority 4 of the Council’s Green Infrastructure Strategy and Action Plan. However, green infrastructure may itself be susceptible to climate change and should be considered early in the design stage. Surrey County Council’s Tree Strategy 2020 places particular emphasis on the importance of effective planting, care and maintenance.
- 7.2 Mitigation of, and adaptation to, climate change using green infrastructure can be achieved through: shading and shielding from the elements; insulation; assisting with rain-water run-off; and providing refuge from heat. This can also assist wildlife through provision of enhanced habitats in the context of a changing climate, some of which need boosting, such as those assisting pollinating creatures.

### **Relevant local plan policy links**

NHE4; DES1; CS10; DES9

- 7.3 Policy NHE4: Green and blue infrastructure requires access to and provision of green infrastructure and open space where possible, including landscaping and planting. DES1 (Design of new development) sets out that landscaping should be designed to mitigate the effects of development, which would therefore include carbon emissions. Open space provision within developments is set out in DMP policy OSR2, and Outdoor sport and recreation requirements in OSE3. The Council’s Green Infrastructure Strategy<sup>81</sup> provides further direction with elements related to climate change considered below.

### **Greening for carbon capture and cleaner air (sequestration)**

- 7.4 Green infrastructure can assist in the reduction of carbon emitted through developments and associated infrastructure such as roads (from vehicles), through its ability to ‘capture’ residual atmospheric CO<sub>2</sub>, via leaves. Trees are able to absorb carbon dioxide from the air and store it within the wood of the tree<sup>82</sup>. This process also allows for the capture of other harmful air pollutants, such as particles, creating healthier environments for residents/users of the development and beyond.

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<sup>79</sup> The National Planning Policy Framework (NPPF) defines green infrastructure as ‘a network of multi-functional greenspace, urban and rural, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.’

<sup>80</sup> [https://warwick.ac.uk/newsandevents/pressreleases/green\\_space\\_is](https://warwick.ac.uk/newsandevents/pressreleases/green_space_is)

<sup>81</sup> Reigate and Banstead Green Infrastructure Strategy (August 2017)

<sup>82</sup> Leeds University study | Tree Leeds – Putting a value on the city’s trees and green spaces (part of Leeds4Trees joint project)

- 7.5 Carbon capture (and capture of other harmful pollutants) can be achieved through providing any planting – in open spaces, streets, or attached to walls and roofs<sup>83</sup> - that can capture particles and carbon and should be included within landscaping schemes for larger developments. Hedgerows, and also wetlands, where appropriate, have been shown to be very effective in some cases for absorbing carbon.
- 7.6 Large, mature trees are one of the most successful for carbon capture<sup>84</sup>, so existing trees should be preserved in developments and landscaping designs, wherever possible. (Additionally, the canopies should be maintained and not excessively pruned during the tree's lifetime, to allow for the most beneficial effects, in capturing greenhouse gases and particles.) Any development proposal that sets out the need to remove a mature tree will need to include that tree's carbon removal loss in the Carbon Reduction Statement, and make provision to counter this elsewhere. (The amount of carbon stored away by a tree can be calculated through the tree's dimensions, and carbon calculators exist to establish how much the tree's contribution to carbon removal is.) Evergreen trees will also be helpful as part of planting and landscaping plans, to help with this process during the winter months.
- 7.7 Tree planting is particularly beneficial close to busy roads for capturing particles and carbon. Development of new roads, or on busy roads, should include planting for health benefits where this is safe to do so. This must always be approved by Surrey County Council as the Highways Authority. Only suitable approved species should be used.
- 7.8 It will be important to ensure that planting is included in the most appropriate places in terms of soil types and water supply; large trees can need a large water supply to flourish, and also possibly particular types of uncompacted or aerated soil. The inclusion of local and native species is also important – and also the appropriate mix of tree species<sup>85</sup> - and applicants should refer to the Tree Officer as necessary. Additionally, the trees will need maintenance to ensure that carbon is not released back into the air, for example through decay or burning<sup>86</sup>.
- 7.9 Species of trees that can be considered for this purpose include London Plane and oak.

## Cooling/shading - greenspace and tree canopy

- 7.10 The required provision of open space<sup>87</sup> within new developments should carefully address the need for adaptation to hotter temperatures<sup>88</sup>. This can be done through the cooling effects of green infrastructure via evapotranspiration, which absorbs and reduces the energy of heat as water evaporates from leaves and grass<sup>89</sup>.
- 7.11 Trees and shrubs should be a focus for landscaping designs, and adequate greenspace and greening will be required as part of denser urban developments, where the cooling

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<sup>83</sup> Though structural and insurance considerations need to be taken into account with these.

<sup>84</sup> Leeds University study | Tree Leeds – Putting a value on the city's trees and green spaces (part of Leeds4Trees joint project)

<sup>85</sup> Surrey's New Tree Strategy (2020), pg 19 *The right tree, in the right place*

<sup>86</sup> Surrey's New Tree Strategy (2020)

<sup>87</sup> DMP policies OSR2/3

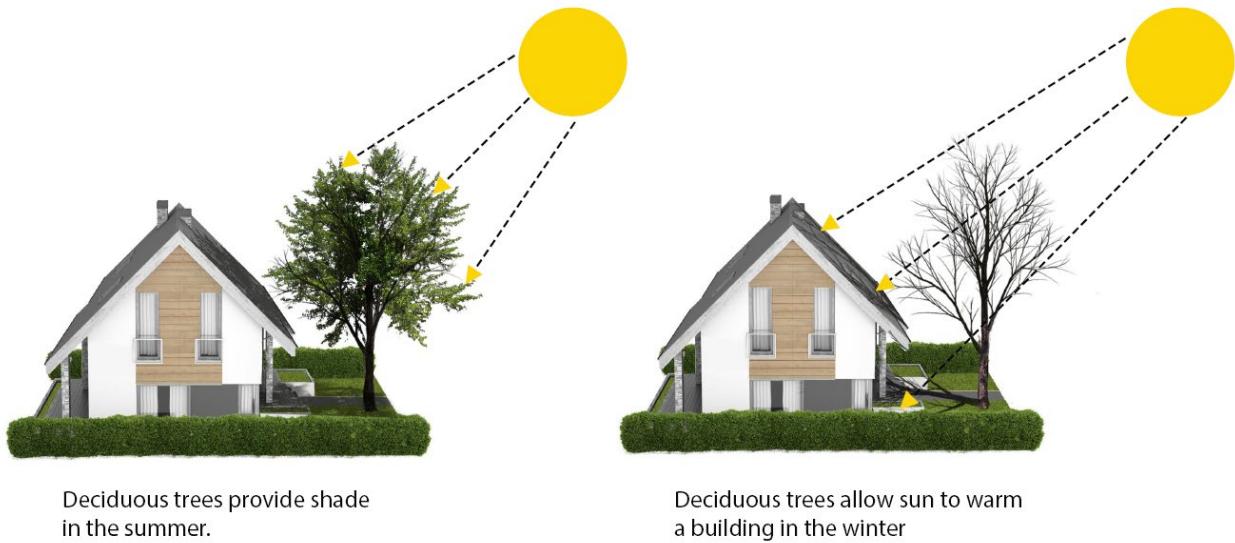
<sup>88</sup> A requirement of policy CS10

<sup>89</sup> NE/RSPB - Climate Change Adaptation Manual (NE751, Edition 2) (2020)

effects will be most needed as temperatures rise<sup>90</sup>. Water features (blue infrastructure) can also enhance these cooling greenspace features<sup>91</sup>, as well as providing calming and relaxing places for people, as building development becomes denser.

- 7.12 Designs for required green spaces within/associated with new developments, and the developments' landscaping schemes, will also need to have considered how even small spaces can provide shading for people and animals, to ensure that the environment is shaped for the future to be suitable for different weather patterns<sup>92</sup>; shading in green space should be a focus of landscaping designs, according to the Natural England adaptation manual. Alongside provision for people and domestic animals such as dogs/cats, designs should usefully provide vegetation or other structures that could be used by wildlife such as small creatures or birds.
- 7.13 Trees should be considered for landscaping designs to provide shading for people and wildlife, and species with a denser foliage, or which provide a dappled shade, should be considered<sup>93</sup>, such as London Plane, Field Maple, or Oak. Strategically placed trees within developments should also be considered for providing shade on routes and on green corridors, in public spaces, or in streets, and especially for areas with large expanses of hard surfacing, such as car parks. (Refer to paragraph 7.8). A detailed list of suitable native trees is included in the Council's Local Character and Distinctiveness Design Guide SPD.
- 7.14 Deciduous trees are particularly effective at providing shade in the summer but allow light through during the winter to warm the building.

**Figure 25: Benefits of deciduous trees and development**



<sup>90</sup> According to NE/RSPB - Climate Change Adaptation Manual (NE751, Edition 2) (2020)

<sup>91</sup> NE/RSPB - Climate Change Adaptation Manual (NE751, Edition 2) (2020)

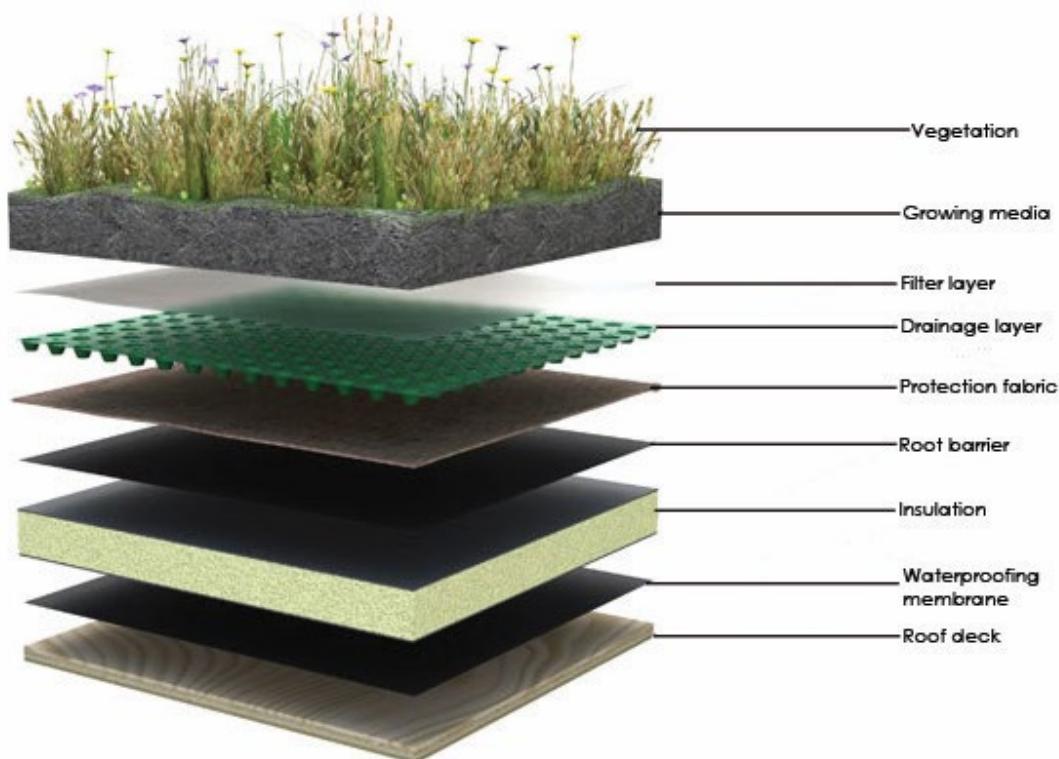
<sup>92</sup> DMP policy DES5

<sup>93</sup> NE/RSPB - Climate Change Adaptation Manual (NE751, Edition 2) (2020)

## Green roofs and walls – cooling buildings and their environments and providing habitats

7.15 The design of buildings can incorporate the use of green roofs and/or walls as part of the policy requirements set out above. A green roof or wall is a part of a building that is covered completely or partially with vegetation or something that is growing. They can be referred to as ‘intensive’ (which are used to grow food or provide formalised green spaces), or as ‘extensive’ (which are more natural and may support wildflowers)<sup>94</sup>. They are planted over a waterproof membrane, and may also include a root barrier layer, and drainage/irrigation systems, and should always be considered very early on in the design of buildings to allow for additional loads, especially where this may retain water. Figure 26 below shows the elements of a green roof.

**Figure 26: Green Roof Elements**



7.16 Green roofs and walls can be useful for: enhancing the efficacy of solar panels<sup>95</sup> (see Chapter 6), as PV panels allow patches of shade and wet/dry<sup>96</sup>; providing insulation; cooling buildings and lowering urban air temperatures; and absorbing rainwater, alongside being

<sup>94</sup> Natural England/RSPB – Climate Change Adaptation Manual (NE751, Edition 2) (2020) – Evidence to support nature conservation in a changing climate

<sup>95</sup> NE/RSPB - Climate Change Adaptation Manual (NE751, Edition 2) (2020) - Chemisana & Lamnatou 2014; Tomazin 2016

<sup>96</sup> Livingroofs.org

aesthetically pleasing and providing habitats for wildlife<sup>97</sup>. However, there can be drawbacks, including the need to factor in additional weights to buildings designs, and designing green walls that do not provide a climbing route for intruders to the building.

## Wildlife habitats

- 7.17 The borough's Environmental Sustainability Strategy's vision seeks to ensure that nature becomes an integral part of the urban environment. New development should benefit both wildlife and residents' well-being. The creation of habitats for nature can be provided through measures such as 'living' walls and roofs on buildings, as well as providing green usable spaces and improved air quality. Maintenance should be very carefully considered and designed into schemes for living pillars. These can be designed for bats and/or birds, and pollinator living walls can also be created. Living pillars can also be employed to the same effect – greening spaces whilst providing for wildlife and biodiversity – and water supply can be solar powered.
- 7.18 Other opportunities for the promotion of wildlife and biodiversity is through the provision of planting in the gardens of new-build homes on new estates.

## Cooling buildings and their local environments

- 7.19 Developments should be designed to be as resilient to rising temperatures as possible, and it will be expected that applications can show that this has been considered, not just through the design of buildings within their environments, but also in how environmental features have been included in the design to enhance natural cooling.
- 7.20 A potential solution to over-heating within buildings is to provide green roofs and walls to cool them through evaporation of water from the plants, stored in substrates. This is known as evapotranspirative cooling<sup>98</sup>. Cooling can work simply through shielding surfaces of buildings from the sun's heat.
- 7.21 Green roofs and walls can also reduce ambient temperatures around buildings – something that should be considered, especially regarding potential effects now and in the future of the Urban Heat Island effect. Greening on the outsides of buildings, whether roofs or walls, can allow heat/light that would otherwise be absorbed into the building's fabric and radiated back outwards to be intercepted. This process works through lowering the night-time heat radiating out from buildings, that has gathered throughout the day<sup>99</sup>.
- 7.22 An additional sustainability benefit to the greening of buildings that it can reduce noise pollution (in and outside of buildings)<sup>100</sup>.

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<sup>97</sup> Natural England/RSPB – Climate Change Adaptation Manual (NE751, Edition 2) (2020) – Evidence to support nature conservation in a changing climate

<sup>98</sup> NE/RSPB - Climate Change Adaptation Manual (NE751, Edition 2) (2020) - Alexandria & Jones 2008

<sup>99</sup> NE/RSPB - Climate Change Adaptation Manual (NE751, Edition 2) (2020)

<sup>100</sup> NE/RSPB - Climate Change Adaptation Manual (NE751, Edition 2) (2020)

## Shielding and insulation – trees and green walls/roofs

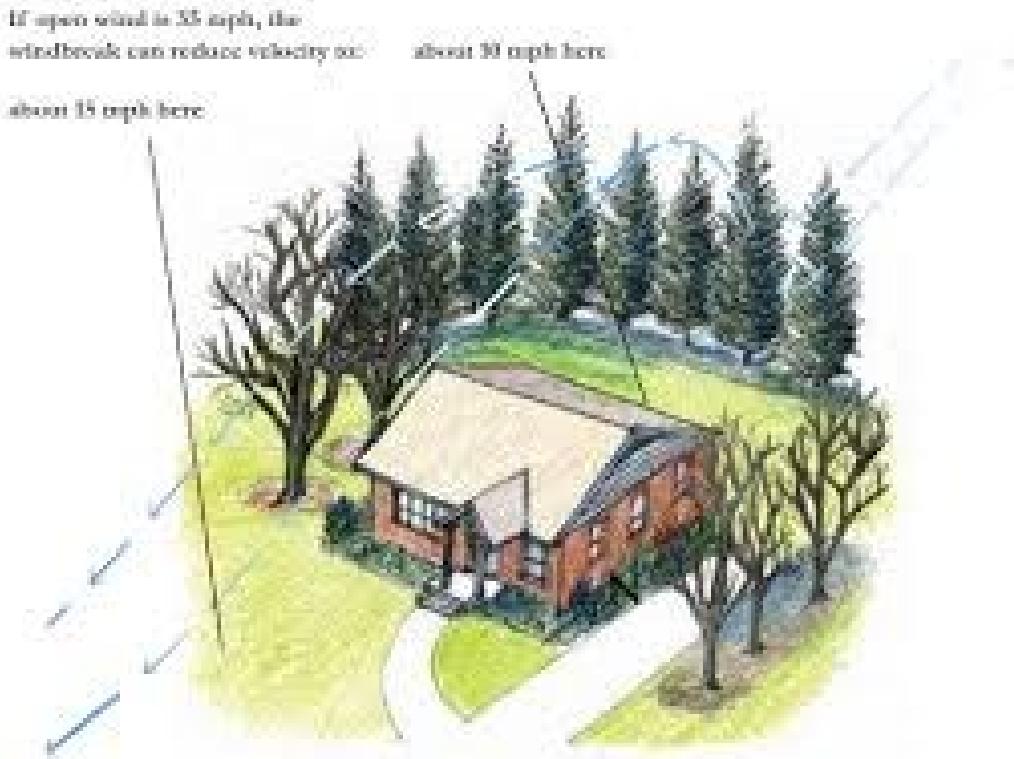
- 7.23 The design of new developments for larger sites should consider tree-planting for shielding against the weather, to save energy (and emissions) that can occur through heat loss from buildings and additional heating needs from cold winds; this can be achieved through the use of tree belts carefully placed to protect buildings from prevailing winds. (Thorough consideration should be given to appropriate tree cover as in paragraph 7.8.) Convex, rather than concave tree belt layouts, against wind directions, can deflect instead of just blocking air flows, and can therefore be more effective – though the effects upon neighbouring land-uses will need to be considered in any design.

**Figure 27: Tree planting for shielding**



Source: [Trees-energy-conservation.extension.org](http://Trees-energy-conservation.extension.org)

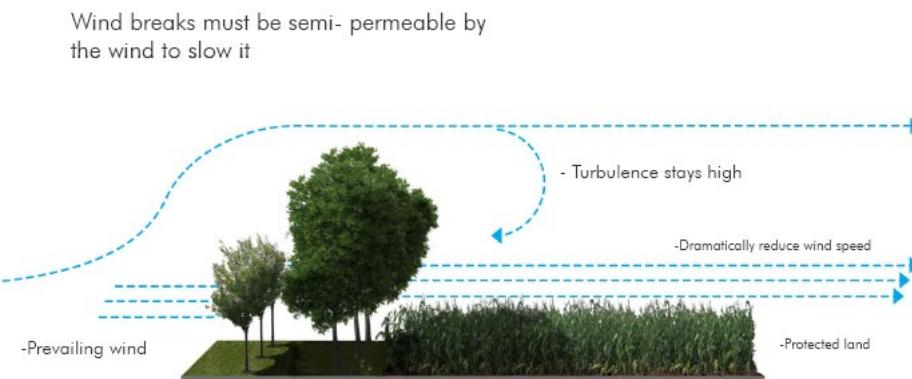
**Figure 28: Tree planting for shielding**



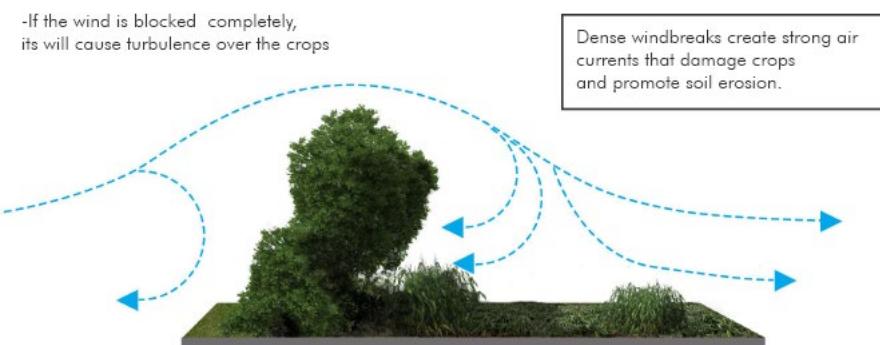
Source: [Arborday.org](http://Arborday.org)

- 7.24 All designs for tree planting should consider the density of tree belts, to allow some air through to prevent it accelerating over the tops of the trees, and then descending turbulently nearby (see Figure 29 below). Tree planting should also be included into designs for minimising cooling in the wintertime. Particular attention on the choice of trees for a scheme should review how they block or allow light and heat through during the colder months. Use of Leylandii or Laurel should be reconsidered with regard to heat and light loss to properties. Species that can allow light and heat through during the winter would be preferable.

**Figure 29: Density of tree belts to prevent turbulent air descending**



The windbreak **must not** be too dense



- 7.25 Because deciduous trees lose their leaves after the warmer months, they work well to allow more heat and light through to buildings in the autumn and winter when less shielding is needed, and more warming. However, some shielding is needed throughout the year, for example shielding developments from other land uses, so both requirements, where necessary, need to be carefully balanced.
- 7.26 Green roofs and walls (see section above) can also provide insulation from heat-loss, making buildings more heat efficient, saving energy and reducing carbon emissions, for example through reducing the need for heating in the winter<sup>101</sup>.

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<sup>101</sup> NE/RSPB - Climate Change Adaptation Manual (NE751, Edition 2) (2020) - Smith & Levermore 2008; Castleton *et al* 2010

## **Green infrastructure and drainage/water storage**

- 7.27 The government's Environment Plan (2018)<sup>102</sup> promotes a move toward natural flood-risk management. This is rooted in the Water Framework Directive which seeks to prevent deterioration of the water environment and improve water quality by managing water in natural river basin districts. Where there is likely to be excess surface water within developments, strategically-placed street trees can assist in managing this, as well as improving pollution levels from surface water. Trees can provide natural solutions to flood attenuation. This needs to be in conjunction with sub-surface water retention systems under the paving, allowing water to collect and be used by the trees, before the excess passes to the drains<sup>103</sup>.
- 7.28 Where there is likely to be an issue with a large amount of rainwater run-off from buildings in a small amount of time (as rainfall events become more substantial), green roofs and walls, can be considered for ameliorating this through retaining water in the roof's substrate and allowing it to re-evaporate into the atmosphere. An additional benefit of this, for the health of the environment and people, is that contaminants in rainwater can also be retained, and acidic rainwater neutralised<sup>104</sup>.
- 7.29 Surface water run off benefits have been shown, through 'itree'.
- 7.30 The Environment Agency are promoting Urban Blue Corridors. These represent a new way of thinking about opportunities and solutions to urban flood risk management and can be applied at the strategic as well as at a Master-planning site-specific scale. It should be highlighted that a potential benefit or design element of green infrastructure is the provision of increased flood storage that can link with the enhancement of biodiversity as well as economic benefits.
- 7.31 Green infrastructure also contributes to the reduction of water pollution, by exploiting the natural processes of sedimentation, filtration and biodegradation to remove pollutants. Increased surface permeability may also make a small contribution to recharge of groundwater supplies, helping to maintain water levels over the year and reduce the risk of drought over the summer months. Further advice for developers from the Environment Agency can be found at: <https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals>.

## **Adaptation to climate changes – habitats, planting, and landscapes**

- 7.32 Flora and fauna may also be susceptible to changes in climate, and there is evidence that this is starting to happen, for example the rapid drying-out of wetlands, heathlands, and aquatic areas<sup>105</sup>. By 2050 Climate change could significantly impact a range of species and habitats. Already some native species and pollinators are under threat. Effective design of green infrastructure will need to take account of changing wildlife habitats as a result of climate change.

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<sup>102</sup> <https://www.gov.uk/government/publications/25-year-environment-plan>

<sup>103</sup> NE/RSPB - Climate Change Adaptation Manual (NE751, Edition 2) (2020)

<sup>104</sup> NE/RSPB - Climate Change Adaptation Manual (NE751, Edition 2) (2020) – Berndtsson, 2010

<sup>105</sup> Natural England Climate change, biodiversity and Nature-based Solutions

- 7.33 Some native species are tolerant to climate changes and should be considered as part of the planting proposal for a scheme. However, there are some notable less tolerant exceptions to this including Rowan.
- 7.34 Climate change has implications for the historic natural environment and landscapes, which could create both opportunities and/or loss; some flora and fauna may be able to expand their habitat range, but those currently at the threshold of their tolerance for environmental conditions may be lost.
- 7.35 Hotter, drier conditions may also increase the risk of fire, particularly for upland landscapes. Flood water inundation and saturation can also damage historic buildings and designed landscapes, particularly if standing water conditions persist. Extreme weather, changes in temperature and future water availability will likely alter the character of parks and gardens, whose particular species are part of their appeal.
- 7.36 Therefore, schemes for redevelopment will need to address these needs as part of landscaping and planting schemes.
- 7.37 Natural England/RSPB's *Climate Change Adaptation Manual* (2020), suggests providing for a 'matrix' of habitats, catering for a diverse range of species. Planting should incorporate cool and shaded areas of 'refuge' for wildlife during hot/dry periods, and water should be included in designs for the benefit of animals and people. Also, where appropriate, wetlands or semi-natural habitats should be considered.
- 7.38 Invertebrates can thrive with the provision of green roofs, and these can also provide linkages between habitats for birds or flying insects<sup>106</sup> – so depending on the siting of the development this should be considered. For the best attenuation of water, habitats with greater diversity of species perform better, whilst supporting greater biodiversity<sup>107</sup>, and assistance to wildlife can also be integrated into schemes for sustainable drainage systems (SuDS).
- 7.39 The choice of planting will need to reflect the weather conditions that are likely to be prevalent in coming years, for example drought-tolerant planting is likely to be most successful in drought conditions<sup>108</sup>. Therefore, indigenous plant species – or those with local characteristics - should be considered for planting in landscaping schemes, where these are suitable for soil conditions and climate, and offer benefits for wildlife.
- 7.40 In general, it will be prudent to consider a changing climate in all schemes, with a view to 'future-proofing' the borough's green infrastructure and landscapes, though many native species have a wide temperature range and distribution. (Many areas of the borough are covered by the Biodiversity Opportunity Area definition and these are set out in Appendix 2 of the Council's Green Infrastructure Strategy (August 2017). Statements for each have

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<sup>106</sup> Natural England/RSPB - [Climate Change Adaptation Manual \(NE751, Edition 2\) \(2020\)](#)

<sup>107</sup> Natural England/RSPB - [Climate Change Adaptation Manual \(NE751, Edition 2\) \(2020\)](#)

<sup>108</sup> Natural England/RSPB - [Climate Change Adaptation Manual \(NE751, Edition 2\) \(2020\)](#)

been prepared<sup>109</sup> with details of measures that can be taken to provide greater ecological resilience going forwards and may provide useful information.)

## Preserving local ecology/trees in the design of developments

- 7.41 Natural England's guide to climate adaptation also notes the importance of brownfield sites to biodiversity, and how this can be lost through development. Therefore, where a site is redeveloped into a more urban form, applications should show how compensatory habitat has been considered. This could be through the provision of green walls or roof areas that can support wildlife; provision of tree belts and planting in gardens and car parks.
- 7.42 New developments should retain existing trees and plants, and schemes should where possible be built around existing trees (in particular mature trees). A 'scorched Earth' approach to design should be avoided.
- 7.43 The Government are proposing the introduction of Biodiversity Net Gain for new development. Further guidance will follow.

## Greenspace for renewables

- 7.44 Greenspaces, for example in school grounds, provide space that can be used for renewable energy sourcing (see Chapter 6 above, regarding ground-source heat pumps), that is unobtrusive. These can supply local buildings (e.g. schools; swimming pools) with heat and district heating systems can be used to transfer heat. This may also be a suitable way to contribute to renewables for housing developments.

## Planning Applications

- 7.45 All development applications need to show that green infrastructure and open space provision has been considered in response to DMP policy requirements for open space – and also in regard to climate change mitigation and adaptation, and other DMP policy areas, in line with the sorts of areas noted above. In particular green infrastructure/open space should be designed with adaptation to climate change, and contribution to passive design (see Chapter 5 above), in mind, and any potential contribution to sustainable drainage requirements where appropriate<sup>110</sup>.
- 7.46 It is important that all green infrastructure schemes – such as garden planting, small areas of green for relaxation, trees, or living walls and roofs are not considered after the development of the scheme, but are considered at the start to fully capture the benefits that can be provided – in particular where wildlife/biodiversity benefits can be accrued.
- 7.47 Green infrastructure is not included within the carbon reduction statement as we do not consider that there is sufficient concrete means of calculating exactly the efficacy of trees

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<sup>109</sup> [Surrey Nature Partnership](#)

<sup>110</sup> NHE4

and planting in reducing carbon emissions. However, schemes including roads should consider the planting of trees for amelioration of emissions. New development proposals are also expected to achieve a net gain in biodiversity under Policy NHE2 of the DMP, aside to the climate change aspects of biodiversity referred to above.

- 7.48 In the south of the borough close to the Gatwick flightpath careful consideration will be required where open water or certain types of green roofs/infrastructure, or tree-planting (which can attract Corvids and pigeons) are incorporated into the scheme as this could attract birds and in so doing increase the risk of bird strikes. Where fruit/berry species are included, consideration should be had in regard to flocking birds. Nonetheless, most green roofs attract smaller birds that are lower risk to aircraft and, as such, a careful judgement needs to be made.<sup>111</sup>

## **Sustainability checklist/Carbon Reduction Statement**

- 7.49 The sustainability checklist contained in Appendix 5 will assist in the preparation of development proposals and planning applications.
- 7.50 Removal of mature trees will need to be factored into the Carbon Reduction calculations – as set out at paragraph 7.46 above.

## **Conditions**

- 7.51 Conditions may be imposed on landscaping and planting schemes in regard to: maintenance; avoidance of over-pruning (for increased shade and cooling, etc); adequacy of soils and water supply; suitability of species and provision for future habitats; and protections of green spaces from fires.

## **Further information and tools**

[Surrey County Council Highways](#)

[Surrey County Council Tree Strategy 2020](#)

[Natural England/RSPB Adaptation Manual 2020](#)

[GRO Green Roof Code 2014](#)

[Green Heat in Greenspaces project](#)

[Itree](#)

<https://www.bbc.co.uk/news/science-environment-54293962>

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<sup>111</sup> <https://www.aoa.org.uk/policy-campaigns/operations-safety/>

Ordnance Survey Mastermap greenspace function

<https://www.gov.uk/government/publications/25-year-environment-plan>

## 8. Water Resources

- 8.1 There are two main issues regarding water efficiencies: saving water as a precious resource, and the energy use associated with the provision of safe water. Flooding and drainage are also related issues.
- 8.2 Reigate & Banstead's growing population is increasing the demand for water on both the supply and sewerage sides, and this is being further exacerbated by the steady increase in average temperatures particularly in the summer months; the Environment Agency has designated the Thames Water region, and the general area that encompasses Reigate & Banstead Borough, as 'seriously water stressed', and has identified the future pressures of development and climate change. The Reigate & Banstead area is noted by the EA as having limited capacity for new development or abstraction. The Council's Environmental Sustainability Strategy 2020 views water as a precious resource and includes priorities for water efficiency.
- 8.3 Providing increased resilience to the threat of water shortages is partly the responsibility of the utility providers, but the integration of water saving measures in developments can make a significant contribution to reducing water wastage.
- 8.4 As well as the amount of water used there is also the way water is consumed. Potable (drinking) water is often pumped over long distances and requires purification. Both these processes use energy. The Council's Environmental Sustainability supports water use as close to its source as possible. To support this ambition, this chapter provides suggestions on the inclusion, where suitable, for using grey or rainwater in new developments.

### Relevant local plan policy links

CS10, CCF1, DES8, NHE 4, DES9

- 8.5 Local Plan policies seek to: reduce water usage in new developments; make more sustainable use of water; and protect and enhance existing blue infrastructure. DMP policy CCF1(Climate change mitigation) requires that residential developments achieve water efficiency standards of 110 litres per person/day<sup>112</sup>, and CS Policy CS10 (Sustainable development), point 9, addresses adaptation and the use of resources, including water supplies/quality, and impacts upon ecology.

### Water Saving Measures

- 8.6 Developers will be required to meet the BREEAM standards for water-efficiency for all non-residential developments<sup>113</sup>.

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<sup>112</sup> The National Planning Practice Guidance (NPPG) also includes an additional standard for 105 litres per head per day, with an additional five litres provided for gardens.

<sup>113</sup> As per the requirements of Policy CS11 (1,b) that all non-residential development should meet BREEAM standard 'very good'.

Residential and non-residential developments will be required to have installed devices such as low-flush toilets, aerated showers and other water saving measures.

- 8.7 Water-harvesting should be incorporated into the design of new developments with consideration given to how areas of impermeable surface can be used to contribute to rainwater harvesting. Rainwater can be harvested for activities such as watering gardens, and even for flushing toilets and for use in washing machines, and grey-water circuits can be installed to enable this.
- 8.8 Rainwater harvesting measures should be included in all applications for major developments. Water butts should be installed at new housing developments, and other provisions, such as allotments, where rainwater can be readily used. Underground tanks can also be considered.
- 8.9 Greywater – that is water that has already been used, for example for bathing – can also be harvested for other uses, and measures to collect the water can be considered for developments, but this needs very careful thought, as grey water can contain all sorts of bacteria and pollutants. However, advice from the Royal Horticultural Society<sup>114</sup> is that ‘Plants can be watered with shower, bath, kitchen and washing machine water (from rinse cycles), collectively referred to as ‘grey’ water. It varies in quality and may contain contaminants such as soap and detergent. Fortunately, soil and potting compost are effective at filtering them out, and the residues can sometimes act as a mild fertilizer.’ Layouts should also be accommodating waste-water recycling facilities.<sup>115</sup>
- 8.10 For water-intensive developments, such as golf courses, it will be necessary that the supply of water can be shown to be independent of public and environmental water stocks, for example through collection of rainwater.
- 8.11 Saving water during construction should be considered, especially where a lot of water will be required. This may include the use of off-site construction methods, which can save water<sup>116</sup>. Applications will need to show how water will be saved – in line with the requirements of DMP policy CCF1.

## Flood-risk, water run-off and Sustainable Drainage Systems (SuDS)

- 8.12 Flood-risk will increase with climate change. Furthermore, through increased development and higher building densities water runoff will become more restricted further increasing the risk of flooding.
- 8.13 Some potential measures to ameliorate these issues have been addressed in regard to trees and planting in Chapter 7, but in addition it may be necessary to include attenuation measures in new developments, including ponds or even rainwater gardens. Green roofs

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<sup>114</sup> <https://www.rhs.org.uk/science/gardening-in-a-changing-world/water-use-in-gardens/using-grey-water>

<sup>115</sup> Rising to the Climate Crisis – A guide for local authorities on planning for Climate Change (TCPA/RTPI, Dec 2018)

<sup>116</sup> Such as ‘modern methods of construction’ <https://www.rics.org/globalassets/rics-website/media/news/news--opinion/modern-methods-of-construction-paper-rics.pdf>

may assist in avoidance of rainwater pooling. Advice on sustainable drainage systems (SuDS) for new developments can be found at [Surrey County Council](#).

- 8.14 To address heavy rainfall events, buildings should be prepared with suitable gutters and pipes for more intensive events, and green walls and roofs can also be included for slowing the rate at which water is dispelled from buildings. All hard surfacing in new developments including footways/pavements, internal roads, car parking, etc, should be permeable enough to allow for a soaking away of surface water and prevention of water run-off and flash-flooding. This also allows for ground-water stocks to be replenished helping to maintain water supplies during drought events.
- 8.15 Developers will also be required to show that consideration has been given to ensuring that sewers will not be overwhelmed and cause flooding. Suitable drainage systems will need to be in place to avoid this, including Sustainable Drainage Systems (SuDS).

As well as ameliorating flood-risk, SuDS can by their very nature address wildlife and habitats needs; improve water quality; and provide for recreation and amenity.

## Planning Applications

- 8.16 All new housing developments will be required to demonstrate that appropriate water saving measures have been incorporated to comply with Policy CCF1, including water usage per person of less than 110 litres per day. In non-household schemes an assessment of water-saving measures will be required, and evidence of compliance with BREEAM water-efficiency standards to at least 'very good', as per the requirements of Core Strategy Policy CS11. Reference should also be made to the sustainability checklist regarding water/energy savings and efficiencies. Permission for water intensive developments will only be given where a separate supply of water can be demonstrated. Suitable drainage, for additional rainfall will need, and for prevention of sewer flooding elsewhere, will have to have been considered. The lead local flood authority (LLFA) should confirm the suitability of any SuDS schemes presented as part of development proposal.
- 8.17 All developments should show that consideration has been given to the implementation of Sustainable Drainage Systems (SuDS) for surface-water management. Where a SuDS system is proposed this should allow for improved water quality; improvements for biodiversity; and enhanced amenity, turning the solution to potential problem into further benefit for people's health and wellbeing, through often-needed access to green space, and habitats for wildlife. However, all SuDS schemes in the proximity of an aerodrome, and in particular Gatwick Airport, should be carefully designed with regard to the risk of attracting birds, and bird-strike risk for aviation<sup>117</sup>.

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<sup>117</sup> <https://www.aoa.org.uk/policy-campaigns/operations-safety/>

- 8.18 The lead local flood authority (LLFA) should confirm the suitability of any SuDS schemes presented as part of schemes.

## **Further guidance and tools**

Leeds Green Streets

Reigate and Banstead Environmental Sustainability Strategy 2020

Surrey County Council Planning Advice for Sustainable Drainage Systems (SuDS)

Susdrain

[https://www.watersafe.org.uk/downloads/developers\\_info/developing\\_water\\_efficient\\_homes.pdf](https://www.watersafe.org.uk/downloads/developers_info/developing_water_efficient_homes.pdf)

## **9. Environmental sustainability, climate adaptation, and heritage assets**

- 9.1 Development involving historic assets or within other protected designations, such as Areas of Outstanding Natural Beauty or Conservation Areas, will raise additional matters to those already identified. Such considerations include how to achieve the sustainability objectives whilst maintaining the integrity of historic assets, views, and landscapes, and their settings. Additionally, these assets may themselves be vulnerable to the effects of changes to climate or other issues, such as air pollution, and may therefore need additional care and conservation, so that they continue to form an important part of our identity and sense of place.
- 9.2 The council's conservation officer would be the first point of contact to discuss any adaptations to any historic assets.

### **Relevant local plan policy links**

CS10, CFF1, NHE4, NHE9

### **Maintenance and renovation of historic buildings and structures in a changing climate**

- 9.3 The requirements for maintenance and renovation of historic buildings and structures is changing due to the effects of different climatic patterns. Whilst unpredictable and severe weather is likely to be an ongoing issue, continued change will more regularly stem from individually less severe, but nevertheless cumulatively significant, impacts that a slight change in temperature could allow, such as fungal and plant growth, and insect infestations. Structural problems may also increase from greater fluctuations in temperature (heat as well as cold). Soil shrinkage from drier summers, particularly in clay rich areas in the north of the borough, can lead to building subsidence, structural deformation, and even collapse in the most severe cases.
- 9.4 Where measures are being proposed to mitigate the effects of climate change in the case of statutory listed buildings, Listed Buildings consent will be required for the proposed works. Key considerations are the impact on the external appearance of the building or structure and the way the setting of the listed asset maybe affected by the proposal. Where the listing includes internal features, particular care should be taken to minimize any disruption to the features. Discussions with the conservation officer and a programme of works will be necessary to both appraise the proposed changes and to ensure that the most appropriate programme of actions is agreed prior to the interventions taking place, thereby ensuring that the fabric of the historic asset is retained.

## Flooding and Historic Buildings

- 9.5 Most historic structures are durable, and relatively resistant to flooding compared with more modern buildings<sup>118</sup>, but they are still vulnerable, not only at risk from flood damage but also damage from inappropriate remedial works. Whilst most historic buildings within the borough are generally unaffected by flooding due to having been located on higher ground, contractors making repairs to these assets will need a proper understanding of historic fabric first, to avoid issues such as the unnecessary removal/disposal of significant finishes and fittings or the use of unsuitable materials. Most historic timberwork, panelling, floorboards and plasterwork can be retained and conserved after flooding. Much damage can also be caused by rapid artificial drying methods that are not correctly controlled.
- 9.6 Historic England's *Historic Buildings and Flooding* provides detailed guidance on dealing with flood related matters and historic assets, and reference should be made to this document.
- 9.7 In the event of flooding incidences occurring at historic buildings in Reigate and Banstead borough, contact should always be made with the council's conservation officer for advice.

## Energy efficiency improvements in historic and traditional buildings

- 9.8 Improving the energy efficiency of existing buildings can create specific challenges in the case of historic and traditional buildings, and Part L (of the Building Regulations) makes it clear that a reasonable compromise on energy efficiency targets may be acceptable in order to preserve the character and appearance of historic buildings. The regulations include exemptions, and circumstances where special considerations apply for historic buildings and those of traditional construction. These include for: listed buildings at Grades I, II\* and II (listed in accordance with Section 1 of the Planning (Listed Buildings and Conservation Areas) Act 1990); buildings in Conservation Areas; and scheduled monuments. Additionally, special circumstances apply to: locally listed buildings; buildings in national parks and other historic areas; and traditionally constructed buildings.
- 9.9 Achieving an appropriate balance requires an understanding of the Regulations and the building, particularly the point at which alteration to the building's character and significance becomes unacceptable. Historic England favours a 'whole building approach', which seeks to save energy, sustain heritage significance, and maintain a healthy indoor environment. This approach can achieve significant improvements in most cases.
- 9.10 Historic England has prepared a useful document: Energy Efficiency and Historic Buildings – Application of Part L of the Building Regulations to Historic and Traditionally Constructed Buildings<sup>119</sup>. This document provides guidance from repairs to large scale alterations and should be referred to in any alterations to historic buildings to enable energy efficiency improvements.

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<sup>118</sup> Historic England

<sup>119</sup> <https://historicengland.org.uk/images-books/publications/energy-efficiency-historic-buildings-ptl/heag014-energy-efficiency-partll/>

- 9.11 The ‘Whole Building Approach’ is divided into five stages to be followed. **Stage 1: Assessment – Understanding the building and its context** includes an assessment of a range of factors<sup>120</sup> that can range from a simple ‘walk-through’ to a highly detailed analysis that might include computer simulations. The scope and depth of investigation and documentation undertaken should be proportionate to the size and sensitivity of the building, and the scale and complexity of the envisaged improvements. Although householders can carry out useful do-it-yourself appraisals, suitably qualified, experienced and independent practitioners should provide more thorough assessments.
- 9.12 **Stage 2: Setting objectives and planning improvements** considers short and long term energy objectives for the project and identifies the measures likely to be appropriate and practicable in the specific context.
- 9.13 **Stage 3: Detailed design and specification** consists of detailed, clear and unambiguous drawings and specifications. (These will need to be submitted to RBBC for review and consent.)
- 9.14 **Stage 4: Installation** provides information about the training and expertise required for installation of energy efficiency measures<sup>121</sup>. Before starting any installation works, it will be necessary to make sure that all necessary permissions have been obtained and any conditions complied with, including those from RBBC planning and building control.
- 9.15 **Stage 5: Use, review and maintenance** provides advice on ventilation, avoidance of condensation, and maintenance of good indoor air quality; comparisons between before and after energy usage; and maintenance of the services agreed.
- 9.16 The key for any successful thermal upgrade for historic buildings is that they are designed and implemented in such a way that the character and significance of the building is adequately respected in accordance with planning law. Double-glazing is not generally acceptable in Statutory Listed Buildings at the current time, but thermal efficiencies can be obtained by using secondary glazing, which can be designed to be as efficient<sup>122</sup>.

## Insulation and historic assets

- 9.17 Subject to planning consent, there are several ways that additional insulation can be provided/improved in historic buildings, including through the addition of dry lining to the inside of walls, or through the use of aerogels where there is need for a thin layer of insulation. However external wall insulation should generally be avoided in Conservation Areas or on traditional buildings, due to the impacts upon visual appearance.

<sup>120</sup> Character and significance of the building; Local climate, orientation and exposure; Energy performance of the building envelope; Hygrothermal behaviour of the building fabric; the Condition of the building; Energy performance of building services; and levels of energy related to occupancy and human behaviour.

<sup>121</sup> Installers should have sufficient training, expertise and interest in the whole building approach. An experienced installer will be able to contribute valuable specialist practical knowledge to a project. Therefore, maintaining good communications between installer, and the designer, assessor and client is a key factor in ensuring the outcome of the project is successful.

<sup>122</sup> It is also recognised in the government grant scheme.

- 9.18 Cavity wall insulation may be acceptable for some buildings, in particular later Victorian and Edwardian homes, which were often built with cavity walls in Reigate & Banstead. This should be done using 'bonded bead'.

## **Renewable energy and impacts upon historic assets, Scheduled Monuments, and their settings, and Areas of High Archaeological Potential**

- 9.19 Chapter 6 provided broad advice on the different types and issues associated with renewable energy technologies. However, in the case of historic assets and scheduled monuments, and their settings, there are further issues to consider. The impacts upon the settings of designated sites/monuments of solar panels and wind turbines should be considered. PV cells protruding above the existing roofline or proposed for walls will not generally be acceptable. More sensitive solutions can be found for the siting of PV and solar panels, for example through siting them in the grounds of historic buildings, or in hidden valleys or flat on crown roofs. Unlike most other forms of renewable installations permission may be required for historic assets.
- 9.20 For larger proposals including solar arrays and wind turbines, it may be necessary to consult Historic England and/or SCC Historic Environment Planning and provide a heritage statement. Permission may also be required for the installation of other types of renewables, including external facilities for air source heat pumps.
- 9.21 Within a designated Area of High Archaeological Potential (AHAP), any ground disturbance caused by renewable technologies would require a formal permission.
- 9.22 Advice on installation on or in historic assets or their vicinities should always be sought from the conservation officer.

## **Planning Applications**

- 9.23 In all cases affecting heritage assets, scheduled monuments and AHAPs, it is advisable to discuss your project with the planning conservation officer, including with regard to the need for AHAP permissions, required heritage statements, and consultations for larger proposals.
- 9.24 Further details are also contained in Chapter 6.

## **Listed Building Consent/planning consent**

- 9.25 In the case of statutory listed buildings, Listed Building Consent will be required for the installation of photovoltaic (PV) cells and some forms of external fans for air source heat pumps, and within certain areas, such as Conservation Areas, they may require planning permission consent.
- 9.26 Similarly, for locally listed buildings and buildings in Conservation Areas, or Areas of Special Character (including Surrey Hills Area of Outstanding Natural Beauty), permission may be required.

## **Further guidance**

Historic England, 2018 Energy Efficiency and Historic Buildings: Solar Electric (Photovoltaics)

Historic England, 2015 Facing the Future: Foresight and the Historic Environment.

Historic England, 2015 Historic Buildings and Flooding

Historic England Your Home

## **10. Sustainable Construction**

### **Introduction**

10.1 Construction and demolition are important considerations in the drive to reduce carbon emissions and pollution, and to reduce wastage of resources and pressure on landfill. This chapter sets out key areas for construction companies and developers to address, potentially as part of a planning application/ planning condition, and in regard to Construction Management. These are:

- Materials;
- Demolition (and re-use);
- Reducing Embodied Carbon; and
- Construction operations.

### **Relevant Planning Policy links**

CS10, CS11, CS19, DES1 and CCF1

Surrey Waste Local Plan Policy 4

### **Materials**

10.2 Responsible sourcing and use of materials in construction can play an important part in reducing carbon emissions and wastage. Managing a product from the point at which a material is mined or harvested in its raw state, through to manufacture and processing, to use, re-use and recycling, until its final disposal as waste, all have a role to play.

10.3 BRE Global has developed a framework standard for the responsible sourcing of construction products, and there are a number of certification schemes which seek to increase both public and industry confidence that risks are being minimised or avoided. Their use ensures that specifiers are able to demonstrate the responsible nature of their selection decisions.

### **Sustainable sourcing of materials (including local and re-use)**

10.4 The construction industry is the single largest user of materials in the UK<sup>123</sup> and 10% of national energy consumption is used in the production and transport of construction materials and construction products. There are many environmental impacts associated with the production and transfer of building materials including CO<sub>2</sub>

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<sup>123</sup> Equating to 420 million tonnes every year

emissions; water pollution; habitat loss/deforestation; fossil-fuel depletion; and use of precious water resources.

- 10.5 The Council will require applicants for building schemes within the borough to demonstrate that the selection of materials for use in the scheme has been carried out with due regard to the potential for use of local recyclable materials in the first instance, and then with regard to the use of locally-manufactured/produced materials (to reduce emissions from transport of goods) in line with the protocols set out in accredited certification schemes. These cover the use of recycled materials within schemes, and the use of sustainable procurement plans to support the use of responsibly sourced materials including from local sources.

### **Choice of materials for durability**

- 10.6 Scheme proposals will need to show that the selection of materials for construction will be long-lasting and durable, minimising the need for frequent replacement incurring additional wastage, use of materials, energy needs, and associated emissions.
- 10.7 Proposals will need to show the rationale for materials selected taking account of what they are being used for and the conditions they will be exposed to (such as frequent traffic, pollution, weather and extremes of temperature). This will reduce the amount of materials needed to maintain a building. Various certification schemes cover this requirement.

### **Ethical materials selection**

- 10.8 There are a number of certification schemes that seek to increase confidence in the responsible nature of selection decisions regarding construction materials. This may include the use of legally harvested and traded timber and the use of recognised certification schemes for other construction materials such as the Forest Stewardship Council (FSC).

### **Demolition and reclamation of materials (and waste stream management)**

- 10.9 The most sustainable solution, and the one that would in most cases have the lowest construction carbon emissions, is to re-use any existing buildings (either all or some of the structures on the site), and it may be possible to achieve other environmental objectives (such as improving energy efficiency) by small additions and adaptations to the fabric (such as new window fittings and extra insulation).
- 10.10 Whilst the demolition of buildings and structures and the clearance of the site will be an essential element for many construction projects, this needs to be undertaken in a sustainable way. The re-use of demolition materials on-site where possible, such as for aggregate, fill or landscaping, or as part of new structures, helps reduce carbon emissions and waste, and it will be necessary for this to be set out as part of the Carbon Reduction Statement, and the Construction Method Statement.

- 10.11 Materials that it may be possible to salvage and re-use from demolition may include: bricks; wood (from buildings); asphalt (from roads and roofing shingles); gypsum (the main component of drywall); metals (such as copper and steel); glass; and plastics, all of which should be salvaged as far as possible. Similarly, it may be possible to salvage components of buildings, such as: doors; windows; and plumbing fixtures.
- 10.12 As well as building materials and components, there may also be some natural materials that will be salvageable as a by-product of site-clearance which might include trees, stumps, earth and rocks.
- 10.13 How this salvage work is managed on site, and how materials and components are re-used, are crucial to reducing carbon emissions and other pollution, and reducing the wastage of resources/pressure on landfill. The Institute of Civil Engineers (ICE) have published a demolition protocol <sup>124</sup>, developed in collaboration with the Resource Sustainability Initiative and the Chartered Institute of Waste Management (CIWM), which provides methods to assess and recover demolition material, as well as specifying recovered (recycled & reclaimed) material in new build.
- 10.14 Protocols for the collection of demolition (or other surplus) materials for recycling in other schemes are clearly set out in a number of certification schemes and the Council will require schemes to adhere to this so that materials can be sustainably re-used where possible.

### **ICE Demolition Protocol**

- 10.15 This useful protocol incorporates information in the reduction of waste ending up in landfill sites (and the costs associated with this), and the sustainable use of resources through use of recycled materials.

### **Reducing Embodied Carbon**

- 10.16 Embodied carbon is a term used for making an assessment regarding a building's greenhouse gas (GHG) emissions' footprint (which includes carbon dioxide). Depending on the scope of the assessment, it will include the total emissions generated through the various processes necessary to create the building, including the extraction/manufacture/processing of materials, and the transportation and assembly of these and all related elements/products used in the building's construction. It may also include the maintenance and replacements of parts, and the building's final disassembly and parts disposal.

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<sup>124</sup> <http://www.ice.org.uk>

- 10.17 Embodied carbon does not include the operational elements of running the building; it is concerned with the building's construction and fabric. It is sometimes referred to as 'capital carbon'.<sup>125</sup> Embodied carbon assessments are an emerging requirement influencing the selection of construction material and are likely to become normal practice as the country moves towards zero carbon.
- 10.18 RBBC will be supportive of all measures to consider the embodied carbon of materials used within the built environment, including the specification of building materials with lower embodied energy and through the application of embodied carbon assessments. This may include the use of modern methods of construction, such as pre-constructed building elements.

## Construction operations

- 10.19 All construction sites should be carefully managed to prevent environmental damage and pollution, including the careful prevention of: sediment and chemicals from being washed into waterways including via roads/drains; the production of excess dust, noise/light, and vibrations, causing disturbance to surrounding properties and wildlife. Mud on roads and pavements can become very slippery and dangerous unless cleaned off regularly.
- 10.20 Planning conditions will be used to control impacts from the construction of new development. This may include restrictions on hours of operation and construction. Conditions will also cover the type of machinery used, and construction/delivery hours. Applicants will also be required to prepare a Construction Method Statement to show how the construction will be undertaken including incorporating the measures outlined in this SPD.
- 10.21 Aware of the challenges that construction can have on the wider community, a national Considerate Constructors Scheme has been created by the industry. The scheme is a voluntary code of considerate practice, to which participating construction companies can sign up their sites. Registered sites should do all they can to reduce any negative effect they have on the environment, and should work in an environmentally conscious, sustainable manner. They should provide clean, appropriate facilities for those who work on them comparable to any other working environment and should do all they can to reduce any negative impact they may have on the area in which they are working.
- 10.22 Construction companies working in the borough are encouraged to follow best practice or preferably become registered in such schemes. Modern forms of prefabricated construction are supported as they can be a highly efficient way of construction,

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<sup>125</sup> Based on the definition by the UK Green Building Council

consume less water, facilitate the reduction of embodied carbon and can reduce carbon emissions.

## Planning Applications

### 10.23 Demolition

Where demolition forms part of the development, a plan for the sorting and collection of demolition materials for reuse and recycling following the Institute for Civil Engineers (ICE) demolition protocol (or equivalent) will be required. This is best included with the planning application or a condition will be applied to a future planning permission to provide such a plan before works commence.

### 10.24 Materials

Areas to incorporate in the sustainability statement to support the development include the use of only sustainably sourced materials in the project, the controls in place to ensure that only the materials necessary for the project are ordered and that the materials used in the project are long lasting.

### 10.25 Construction operations

As part of the Construction Method Statement the types of matters to address could include that builders should be registered with a considerate constructor's scheme, the inclusion in the demolition and construction phases of dust spreading prevention measures such as watering down the site and using dust screens and whether (where appropriate) and if there will there be pollution containment measures.

## Further guidance and tools

### General

Buildings Research Establishment (BRE) [www.bregroup.com](http://www.bregroup.com)

Construction Industry Research and Information Association (CIRIA) includes advice on waste reduction, recycling and making better use of resources and help tackle climate change. Information and training can be found at: [www.ciria.org/](http://www.ciria.org/)

WRAP (Waste and Resources Action Programme) is a not for profit company backed by the Government to help individuals, businesses and local authorities reduce waste, recycle more, make better use of resources and help tackle climate change. WRAP can be accessed on [www.wrap.org.uk](http://www.wrap.org.uk)

### Demolition

Institute for Civil Engineers (ICE) demolition protocol can be found at:  
<http://www.ice.org.uk>

### Materials and Embodied Carbon

Green book live. Available online at: <http://www.greenbooklive.com/>

BSE 6001 The Framework Standard for Responsible Resourcing

[https://www.greenbooklive.com/filelibrary/responsible\\_sourcing/BES-6001--Issue-3.1.pdf](https://www.greenbooklive.com/filelibrary/responsible_sourcing/BES-6001--Issue-3.1.pdf)

RICS professional standards and guidance, UK. Whole life carbon assessment for the built environment, 1st edition, November 2017. Available at:

<https://www.rics.org/globalassets/rics-website/media/news/whole-life-carbon-assessment-for-the-built-environment-november-2017.pdf>

### **Construction Operations**

Details of the national scheme can be found at:  
[www.considerateconstructorsscheme.org.uk](http://www.considerateconstructorsscheme.org.uk)

## **Appendices**

### **Appendix 1: Acronyms**

AHAP	Area of High Archaeological Potential
ASHP	Air Source Heat Pump
AQMA	Air Quality Management Area
BRE	Building Research Establishment
BREEAM	Building Research Establishment Environmental Assessment Method
CIBSE	Chartered Institute of Building Services Engineers
CHP	Combined Heat and Power [generator]
CO <sub>2</sub>	Carbon Dioxide
CoU	Change of use from one development use to another
DER	Dwelling Emissions Rate
GHG	Greenhouse Gas
GI	Green Infrastructure
GSHP	Ground Source Heat Pump
LLFA	Local Lead Flood Authority
NPPF	National Policy Framework
PPG	Planning Practice Guidance
PV	Photovoltaic
RBBC	Reigate and Banstead Borough Council
SAP	Standard Assessment Procedure
SPD	Supplementary Planning Document
SCC	Surrey County Council
SuDS	Sustainable Drainage Systems
TER	Target CO <sub>2</sub> Emission Rate

## Appendix 2: Glossary

**Albedo** – The proportion of incident radiation reflected by a system (or building). A perfect reflector would have an albedo of 1, whereas a perfect absorber would have an albedo of 0.

**Article 4 Direction** - Is a direction under article 4 of the General Permitted Development Order which enables the Secretary of State or the local planning authority to withdraw specified permitted development rights across a defined area.

**Brise Soleil** - A device, such as a perforated screen or louvres, for shutting out direct or excessive sunlight.

**Building Emissions Rate or Dwelling Emissions Rate** – The actual building/dwelling CO<sub>2</sub> emissions rate. It is expressed in terms of the mass of CO<sub>2</sub> emitted per year per square metre of the total useable floor area of the building (kg/m<sup>2</sup>/year).

**Building/ Thermal Envelope** – The total area of all walls, floors, ceilings bordering the internal area of a building whose environment is to be controlled in line with the Building Regulations (e.g. not including some conservatories or porches).

**Climate change adaptation** - Adjustments made to natural or human systems in response to the actual or anticipated impacts of climate change, to mitigate harm or exploit beneficial opportunities.

**Climate change mitigation** - Action to reduce the impact of human activity on the climate system, primarily through reducing greenhouse gas emissions.

**Combined Heat and Power** – The simultaneous generation of heat and power in a single process.

**Communal Heating/ Cooling** – A heating/ cooling system where heat and cooling is supplied to multiple dwellings and/ or non-domestic uses from a shared source.

**Energy Assessment/strategy** – An energy assessment/ strategy is a document which explains how targets for CO<sub>2</sub> reduction will be met for a particular development within the context of the energy hierarchy.

**Energy hierarchy** – A classification of energy options, prioritized to assist progress towards a more sustainable system.

**Embedded Carbon** – A notional quantity of carbon, representing the amount of CO<sub>2</sub> already emitted in order to manufacture or assemble any given construction material (s) and transport it to site.

**Evapotranspiration** – Evapotranspiration is the combined name for the processes of evaporation and transpiration.

**Flood attenuation** – Rainwater capture and slow release to reduce the risk of flooding further downstream.

**'itree'** – A software suite that includes urban and rural forestry analysis and benefits assessment tools.

**Kilowatt (kW)** – One thousand watts. A watt is a measure of power.

**Megawatt (MW)** – One million watts. A watt is a measure of power.

**Network Ready** – The state of a development being optimally designed for connection to a District Energy Network

**Part L of the Building Regulations** – Approved documents L1A and L2A of the Building Regulations relate to the conservation of fuel and power in new dwellings and new buildings other than dwellings respectively.

**Passive Design** – integrates the way the climate can maintain a comfortable temperature range in developments.

**Passivhaus** – is a building in which thermal comfort can be achieved solely by post-heating or post-cooling the fresh air flow required for a good indoor air quality, without the need for additional recirculation of air.

**Regulated CO<sub>2</sub> emissions** – The CO<sub>2</sub> emissions arising from energy used by fixed building services, as defined in Part L of the Building Regulations. These include fixed systems for lighting, heating, hot water, air conditioning, and mechanical ventilation

**Standard Assessment Procedure (SAP)** – A methodology introduced by the Government to assess and compare the energy and environmental performance of buildings to make sure that any new developments will not only meet Building Regulations, but also all energy and environmental policy initiatives.

**Solar Gain** - The increase in temperature of a building, object, or space that is caused by solar radiation

**Simplified Building Energy Model** – A computer program that provides an analysis of a building's energy consumption. The purpose of the software is to produce consistent and reliable evaluations of energy use in non-domestic buildings on a development.

**Thermal Mass** - A material's capacity to absorb, store and release heat. For example, water and concrete have a high capacity to store heat and are referred to as 'high thermal mass' materials. Insulation foam, by contrast, has very little heat storage capacity and is referred to as having 'low thermal mass'.

**Communal Heat Network** – A set of flow and return pipes circulating hot water to apartments and non-domestic buildings on a development

**Standard Assessment Procedure** – A methodology for assessing and comparing the energy and environmental performance of dwellings. Its purpose is to provide accurate and reliable assessments of dwelling energy performances that are needed to underpin Building Regulations and other policy initiatives.

**Target CO<sub>2</sub> Emission Rate** – The minimum energy performance requirement for a new dwelling/ building. It is expressed in terms of the mass of CO<sub>2</sub> emitted per year per square metre of the total floor area of the building (kg/m<sup>2</sup>/year).

## Appendix 3: Local Plan Policies

### Core Strategy

#### **Policy CS4: Valued townscapes and the historic environment**

1. Development will be designed sensitively to respect, conserve, and enhance the historic environment, including heritage assets and their setting. Development proposals that would provide sensitive restoration and re-use for heritage assets at risk will be particularly encouraged.
2. Development will respect, maintain and protect the character of the valued townscapes in the borough, showing consideration for any detailed design guidance that has been produced by the Council for specific built-up areas of the borough. Proposals will:
  - a. Reflect high standards of sustainable construction in line with policy CS11
  - b. Be of high quality design which takes direction from the existing character of the area and reflects local distinctiveness
  - c. Be laid out and designed to make the best use of the site and its physical characteristics, whilst minimising the impact on surrounding properties and the environment
  - d. Protect and where appropriate enhance existing areas of biodiversity value and the links between them.

#### **Policy CS10: Sustainable development**

Development will:

1. Make efficient use of land, giving priority to previously developed land and buildings within the built-up areas.
2. Be at an appropriate density, taking account of and respecting the character of the local area and levels of accessibility and services.
3. Contribute to the creation of neighbourhoods which are supported by effective services, infrastructure and transport options and which are designed to be safe, secure and socially inclusive.

4. Protect and enhance the green fabric, and respect and contribute to the borough's green infrastructure network.
5. Respect the ecological and cultural heritage of the borough including the historic environment.
6. Minimise the need to travel, whilst increasing opportunities to walk, cycle or use public transport, including as part of the green infrastructure network.
7. Minimise the use of natural resources and contribute to a reduction in carbon emissions by re-using existing resources, maximising energy efficiency, minimising water use, and reducing the production of waste, including through sustainable construction methods. Encourage renewable energy/ fuel production whilst ensuring that adverse impacts are addressed, including on landscape, wildlife, heritage assets and amenity.
8. Be designed to minimise pollution, including air, noise and light, and to safeguard water quality.
9. Be designed reflecting the need to adapt to the impacts of climate change (for example higher temperatures, increased flooding, increased pressure on water resources, impacts on ecology and built heritage and impacts on ground conditions).
10. Be located to minimise flood risk, through the application of the Sequential Test and where necessary the Exception Test, taking account of all sources of flooding including fluvial, surface water, sewer and pluvial flooding, and reservoir failure, and manage flood risk through the use of SuDS and flood resistant/ resilient design features, and where necessary provide floodplain compensation.
  - o The criteria within this policy, along with policy CS6, will guide the allocation of sites through the DMP.

#### **Policy CS11: Sustainable construction**

1. The Council will expect new development to be constructed to the following standards (taking into account the overall viability of the proposed development at the time the application is made):
  - a. New housing: to a minimum of Code for Sustainable Homes Level 4, or future nationally described standards (justified by local evidence if required). To achieve Level 4, the Council may require (through the DMP) or encourage (through supplementary guidance) minimum standards for some tradeable Code elements to be provided in particular locations or for particular types of housing development.
  - b. Relevant non-residential development of new or replacement buildings, or extensions to existing structures: to a minimum of BREEAM 'very good'.
2. The Council will work with developers and other partners to encourage and promote the development of decentralised and renewable or low carbon energy

(including combined heat and power) as a means to help future development meet zero-carbon standards affordably.

- a. Where a major development is planned that generates, is within, or is adjacent to an area of significant heat density, it will be expected that the potential to create, or connect to, a district heating network is fully investigated. Such developments will be identified in the DMP where possible.
- b. Where a district heat network exists or is planned, or where there is potential to utilise waste heat, the Council may require – where feasible and viable – development in these areas to be designed to facilitate its use and connect to it.

### **Policy CS17: Sustainable construction**

The Council will work with Surrey County Council, the Highways Agency, rail and bus operators, neighbouring local authorities and developers to:

1. Manage demand and reduce the need to travel, by:
  - a. Allocating land for development and directing development to accessible locations in the borough
  - b. Securing provision of - or easy access to - services, facilities and public transport as part of new development.
2. Improve the efficiency of the transport network, by:
  - a. Enhancing public interchange facilities in Redhill and Horley town centres and promoting Redhill/ Reigate as a transport hub
  - b. Delivering improvements to the road network to meet all street users' needs, enhance accessibility along key corridors and accommodate the forecast increase in journeys.
3. Facilitate sustainable transport choices, by:
  - a. Improving travel options through enhanced provision for bus, rail, walking, cycling and bridleways
  - b. Promoting walking and cycling as the preferred travel option for shorter journeys
  - c. Promoting non-car travel
  - d. Requiring the provision of travel plans and transport assessments for proposals which are likely to generate significant amounts of movement
  - e. Seeking to minimise parking provision in the most sustainable locations, and secure adequate parking provision relative to patterns of car ownership elsewhere.

# **Development Management Plan (DMP)**

## **Policy DES1: *Design of new development***

1. All new development will be expected to be of a high quality design that makes a positive contribution to the character and appearance of its surroundings. Planning permission will be granted for new development where it meets the following criteria:
  2. Promotes and reinforces local distinctiveness and respects the character of the surrounding area, including positive physical characteristics of local neighbourhoods and the visual appearance of the immediate street scene.
  3. Uses high quality materials, landscaping and building detailing.
  4. Has due regard to the layout, density, plot sizes, building siting, scale, massing, height, and roofscapes of the surrounding area, the relationship to neighbouring buildings, and important views into and out of the site.
  5. Provides street furniture/ trees and public art where it would enhance the public realm and/ or reinforce a sense of place.
  6. Provides an appropriate environment for future occupants whilst not adversely impacting upon the amenity of occupants of existing nearby buildings, including by way of overbearing, obtrusiveness, overshadowing, overlooking and loss of privacy.
  7. Creates a safe environment, incorporating measures to reduce opportunities for crime and maximising opportunities for natural surveillance of public places. Developments should incorporate measures and principles recommended by Secured by Design<sup>126</sup>.
  8. Provides for accessible and sensitively designed and located waste and recycling bin storage in accordance with the Council's guidance document 'Making Space for Waste'.
    - a. Incorporates appropriate landscaping to mitigate the impact, and complement the design, of new development. Schemes should:
      - i. Protect and enhance natural features by:
      - ii. Incorporating existing landscaping into scheme design where feasible.
    - b. Integrating new landscaping, both hard and soft, and boundary treatments which use appropriate local materials and/ or species.
  9. Provide details about how future maintenance of existing and new landscape works will be managed. Where necessary, conditions will be used to secure the delivery of landscaping schemes, protection of natural features during the course of development and requirements for replacement planting.

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<sup>126</sup> <https://www.securedbydesign.com/>

- 10.** Achieves, where applicable, an appropriate transition from the urban to the rural.
- 11.** Makes adequate provision for access, servicing, circulation and turning space, and parking taking account of the impact on local character and residential amenity, including the visual impact of parked vehicles (see also TAP1).
- 12.** Is accessible and inclusive for all users, including for people with disabilities or mobility constraints (See also DES7).
- 13.** Respects aerodrome safeguarding requirements.

#### **Policy DES8: *Construction management***

The Council will expect all developments to be managed in a safe and considerate manner, in addition to the following requirements:

- 1.** Through the use of conditions, the Council may require Construction Management Statements to be agreed and implemented on a case by case basis. These may be required for:
  - a.** Minor and major developments creating new homes and / or commercial space.
  - b.** Other forms of development, particularly where the site is constrained or where it is identified that there is a specific risk to highway safety and/ or the amenity of neighbouring properties.
- 2.** The Construction Management Statement must address how any development impacts will be managed. The statement should be appropriate to the scale and context of the development but should include:
  - a.** Prediction of potential impacts with regard to water, waste, noise and vibration, dust, emissions and odours, ground contamination and soil pollution, wildlife and features and heritage/ archaeology. Where potential impacts are identified, mitigation measures should be identified to address these impacts.
  - b.** Measures to manage traffic and parking impact, highway/ pedestrian safety and congestion.
  - c.** Information about phasing and co-ordination of works, including timing of deliveries, particularly where there are multiple developments in a single area.
  - d.** Information about measures that will be used to protect any on/ off-site features, including trees, verges, drains, kerb stones, and footways, that may be damaged due to works and remediation of any subsequent damage.
  - e.** Information about the measures that will be used to protect privacy and the amenity of surrounding sensitive uses, including provision of appropriate boundary protection.
  - f.** Means of communication and liaison with neighbouring residents and businesses.
  - g.** Hours of work.

3. Any advertisements and signage proposed to be displayed for the duration of construction works – including as part of site hoardings – must be appropriately designed in accordance with DES10. Conditions will be used to secure removal of any temporary advertisements.

### **Policy DES9: *Pollution and contaminated land***

This policy applies borough-wide, although particular attention should be paid within the following designated areas:

- Air Quality Management Areas
  - Noise contours associated with Gatwick Airport
1. For all types of development, across the borough:
    - a. Development will only be permitted where it can be demonstrated that (on its own or cumulatively) it will not result in a significant adverse or unacceptable impact on the natural or built environment (including sensitive habitats); amenity; or health and safety due to fumes, smoke, steam, dust, noise, vibration, smell, light or any other form of air, land, water or soil pollution. Where there would be potential adverse effects from pollution and adequate mitigation cannot be provided, development will not normally be permitted. This includes pollution from construction and pollution predicted to arise during the life of the development. Particular attention should be paid to development within Air Quality Management Areas.
    - b. New development will not normally be permitted where existing fumes, smoke, steam, dust, noise, vibration, smell, light or any other form of air, land, water or soil pollution are unacceptable and there is no reasonable prospect that these can be mitigated against to satisfactory levels. This is particularly relevant for sensitive development such as residential.
    - c. Where a site is known to be contaminated, or where there is a reasonable possibility of contamination, appropriate investigation, and where necessary mitigation and/ or remediation will be required.
    - d. Measures to reduce air pollution will be encouraged.
  2. Within areas of poor air quality (as defined by the presence of Air Quality Management Areas) development must be designed to minimise the occupants' or users' exposure to air pollution, both internally and externally.
  3. In areas near Gatwick Airport, residential development will be permitted where it can be demonstrated that the noise levels will not have a significant adverse effect on the proposed development. Proposals for residential development on sites falling within the 57 dB LAeq (07:00 – 23:00) or 48 dB LAeq (23:00 – 07:00) noise contours for Gatwick Airport must:
    - a. Be accompanied by a full noise impact assessment.

- b.** Demonstrate that, though satisfactory design, mitigation and/ or attenuation measures, future occupants would not be subject to unacceptable noise disturbance both within buildings and externally.

### **Policy TAP1: Access, parking and servicing**

1. All types of development, across the borough, will be required to:
  - a. Provide safe and convenient access for all road users, taking account of cumulative impacts, in a way which would not:
    - i. Unnecessarily impede the free flow of traffic on the public highway, or compromise pedestrians or any other transport mode, including public transport and cycling.
    - ii. Materially exacerbate traffic congestion on the existing highway network.
    - iii. Increase the risk of accidents or endanger the safety of road users including pedestrians, cyclists, and other vulnerable road users.
  - b. Incorporate a highway design and layout that:
    - i. Complies with currently adopted highway standards and guidance (including roads which will not be adopted by the Highways Authority, unless evidence can be provided to clearly demonstrate a scheme would be safe and accessible).
    - ii. Provides adequate access in particular with regard to circulation, manoeuvring, turning space, visibility splays and provision for loading/unloading for an appropriate range of vehicles.
    - iii. Allows for access by service vehicles (including refuse vehicles) and emergency vehicles at all times without restriction, including adequate width to ensure there is no obstruction from parked vehicles. On existing road layouts, new development must not materially worsen the existing access for service and emergency vehicles and look to improve it where possible.
    - iv. Achieves a permeable highway layout, connecting with the existing highway network safely and includes safe access for pedestrians and cyclists.
    - v. Provides sufficient visibility and lighting for the safe and convenient use of the roads, cycle tracks, paths and parking places.
  - c. Include car parking and cycle storage for residential and non-residential development in accordance with adopted local standards (see Annex 4) unless satisfactory evidence is provided to demonstrate that non-compliance would not result in unacceptable harm. Such evidence could include on-street parking surveys, evidence of parking demand, and/ or further information on accessibility. Development should not result in unacceptable levels of on-street parking demand in existing or new streets.
  - d. If the development would result in the loss of existing car parking spaces, demonstrate that there is no need for these car parking spaces.

- e. Incorporate pedestrian and cycle routes within and through the site, linking to the wider sustainable transport network where possible, especially in and to the borough's town centres.
  - f. Provide electric vehicle charging points.
  - g. Remove any dropped kerbs and crossovers made redundant by the development and reinstate the footway/verge.
2. Planning applications will be looked upon favourably unless they would have an unacceptable impact on highway safety or the residual cumulative impacts on the road network would be severe, taking into account proposed mitigation.
  3. For all developments likely to generate significant amounts of movement, a Transport Assessment or a Transport Statement will be required.
  4. Provision of the following should be considered and are encouraged in new development:
    - a. Shared use of private parking provision for public parking when not in use.
    - b. Initiatives to increase travel by more sustainable options and help reduce the impact and frequency of travel by individual private car journeys (such as car pools/car clubs) to and from the development.

### ***Policy CCF1: Climate change mitigation***

1. New residential developments must:
  - a. Meet the national water efficiency standard of 110litres/person/day.
  - b. Achieve not less than a 19% improvement in the Dwelling Emission Rate (DER) over the Target Emission Rate (TER) as defined in Part L1A of the 2013 Building Regulations.
2. New non-residential developments of 1,000 square metres or more of gross floorspace should include renewable or low-carbon energy generation to provide 10% of the expected energy usage of the development, unless it can be demonstrated not to be viable. This could be through renewable energy technologies (i.e. solar photovoltaics), implementation of or connection to a district heating network, or any other method that demonstrably reduces carbon emissions from energy usage.
3. The Council will support developments that make provision for on-site micro-generation.
4. The design of buildings should maximise opportunities for energy saving (e.g. orientation of the building to achieve solar gain), unless this conflicts with other policies.
5. The use of sustainable construction methods and materials will be encouraged.

## **Policy NHE4: Green and blue infrastructure**

1. The Council will work with landowners, land managers and stakeholders to secure the provision of a multi-functional green and blue infrastructure network by:
  - a. Resisting the loss of existing public open space. Where this is urban open space the criteria within OSR1(2) must be met to justify the loss.
  - b. Ensuring best management practice of multi-functional green/blue spaces across the borough.
  - c. Preserving and enhancing existing green infrastructure and water features in priority regeneration areas and throughout existing urban areas.
  - d. Looking favourably on proposals that enhance, extend, or make new provision for allotments or community food growing opportunities.
2. Development proposals must:
  - a. Where possible, increase access to and provision of green and blue infrastructure and open spaces.
  - b. Avoid any adverse impacts on existing habitats and take the opportunity to enhance and incorporate biodiversity as an integral part of design, including watercourses and riverside habitats.
  - c. Positively incorporate green and blue infrastructure as an integral part of the design of new developments; supporting initiatives within the Council's Green Infrastructure Strategy and Action Plan where possible. Any new green and blue infrastructure should link with existing green/blue infrastructure in the surrounding area where possible.
  - d. Incorporate open spaces and green spaces which can be used in a variety of ways and support a range of activities.
  - e. Protect and enhance public rights of way and National Trails.
  - f. Where possible, create new links and corridors between open spaces, green/blue infrastructure and the countryside beyond, such as through the provision of footpaths and bicycle paths or through planting and landscaping.
  - g. Identify measures for appropriate maintenance of relevant green/blue infrastructure.

3. Within land designated as a Riverside Green Chain, the following uses and facilities will be permitted to facilitate activities compatible with the area and the maintenance of a natural green and blue environment:
  - a. Informal recreation.
  - b. Formal outdoor recreation, allotments, agriculture and woodland where feasible.
  - c. Establishment of Local Nature Reserves and similar nature conservation provision.
  - d. Enhancements to the riverine environment for water related purposes, including the establishment of buffer zones.
  - e. Safe access provisions to appropriate sections of the riverine environment including safety measures consistent with the scale of visitor and operation activity while protecting other areas as wildlife refuges in accordance with a nature conservation strategy for the area.
  - f. Interpretation and supervised investigation of archaeological sites.
  - g. Creation of ponds, swales, bunds, stormwater wetlands and similar features as part of the surface water drainage system serving major new housing development and consistent with an overall agreed landscape plan.
  - h. Construction of a combined orbital cycle and pedestrian path with connections to new and existing housing areas consistent with nature conservation values.
  - i. Provision of facilities for horse riders, where practicable.

#### **Policy NHE9: *Heritage assets***

1. Development will be required to protect, preserve, and whenever possible enhance, the borough's designated and non-designated heritage assets and historic environment including special features, area character or settings of statutory and locally listed buildings.
2. All planning applications that directly or indirectly affect designated or non-designated heritage assets must be supported by a clear understanding of the significance, character and setting of the heritage asset, and demonstrate:
  - a. how this understanding has informed the proposed development
  - b. how the proposal would affect the asset's significance; and
  - c. any necessary justification proportionate to the importance of the heritage asset and the potential effect of the proposal.
3. In considering planning applications that directly or indirectly affect designated heritage assets, the Council will give great weight to the conservation of the asset, irrespective of the level of harm. Any proposal which would result in harm to or total loss of designated heritage asset or its setting will not be supported unless a clear and convincing justification is provided. In this regard:
  - a. Substantial harm to, or loss of, Grade II assets will be treated as exceptional and substantial harm to, or loss of, Grade I and II\* assets and scheduled monuments will be treated as wholly exceptional.

- b.** Where substantial harm to, or loss of designated heritage assets would occur as a result of a development proposal, planning permission will be refused unless there are substantial public benefits which would outweigh the harm or loss; or
    - i. it can be robustly proven that there are no other reasonable and viable uses for the asset in the short or medium term nor any other realistic prospect of conservation; and
    - ii. the harm or loss would be outweighed by the benefits of redevelopment.
  - c.** Where less than substantial harm to a designated heritage asset would occur as a result of a development proposed, the harm will be weighed against the public benefits of the proposal.
- 4.** Non-designated heritage assets of archaeological interest that are demonstrably of equivalent significance to scheduled monuments will be subjected to the tests in (3) above.
- 5.** In considering proposals that directly or indirectly affect other non-designated heritage assets, the Council will give weight to the conservation of the asset and will take a balanced judgement having regard to the extent of harm or loss and the significance of the asset.
- 6.** All development proposals must be sympathetic to a heritage asset and/or its setting by ensuring the use of appropriate high quality materials, design and detailing (form, scale, layout and massing).
- 7.** Development that would help secure the long term viable use and sustainable future for heritage assets, especially those identified as being at risk of loss and decay, in a manner consistent with its conservation will be supported. Any associated or enabling development should have an acceptable relationship to the heritage asset, and character of the surrounding area.
- 8.** Proposals which retain, or if possible, enhance the setting of heritage assets, including views, public rights of way, trees and landscape features, including historic public realm features in a manner consistent with its conservation, will be supported.
- 9.** Proposals affecting a Conservation Area must preserve, and where possible, enhance the Conservation Area, paying particular regard to those elements that make a positive contribution to the character of the Conservation Area and its setting, and the special architectural or historic interest of the area.
- 10.** Demolition (full or partial) of a building or removal of trees, structures or other landscape features in a Conservation Area will be permitted only where:
  - a.** a replacement development has been approved; and
  - b.** the loss of the existing building, structure, tree or landscape feature will not detract, or where appropriate enhances, the character or appearance of the

Conservation Area. Assessment of the contribution of an existing building must have regard to its character, design and construction, but not its condition.

- 11.** Development within or affecting the setting of a historic park or garden will be required to:
  - a.** Avoid subdivision.
  - b.** Retain or restore features of historic or architectural interest, including trees, other distinctive planting and hard landscaping, and garden features.
  - c.** Where relevant, be accompanied by an appropriate management plan.
- 12.** An archaeological assessment including where appropriate a field evaluation, will be required to inform the determination of planning applications for:
  - a.** Sites which affect, or have the potential to affect, Scheduled Monuments.
  - b.** Sites which affect, or have the potential to affect, areas of Archaeological Importance or High Archaeological Potential.
  - c.** All other development sites exceeding 0.4ha.
- 13.** Where the policies map, or other research, indicates that remains of archaeological significance are likely to be encountered on a site, the Council will require schemes for the proper investigation of the site to be submitted and agreed. These must incorporate the recording of any evidence, archiving of recovered material and publication of the results of the archaeological work as appropriate, in line with accepted national professional standards.

## **Surrey Waste Local Plan 2019-33**

### **Policy 4 – Sustainable Construction and Waste Management in New Development**

Planning permission will be granted where it has been demonstrated that:

- i. The waste generated during construction, demolition and excavation phase of development is limited to the minimum quantity necessary.
- ii. Opportunities for re-use and the recycling of construction, demolition and excavation residues and waste on site are maximised.
- iii. On site facilities to manage the waste arisings during the operation of the development of an appropriate type and scale have been considered as part of the development. These include integrated storage to facilitate reuse and recycling.

## Appendix 4 Carbon Reduction Statement Template

Carbon Reduction Statement			
Unit <sup>127</sup> Number/ address	Target Emission Rate (TER) <sup>128</sup>	Dwelling Emission Rate (DER)	% Improvement on Part L 2013
Add rows for each unit			
<b>Energy Hierarchy</b>			
<b>Define proposed measures to show how less energy will be achieved</b>			
<b>Define proposed measures to show how energy will delivered more efficiently</b>			
<b>Define proposed measures to show how renewable technologies will be incorporated</b>			
Attach plans and drawings showing any proposed renewable technology being incorporated into the scheme			

<sup>127</sup> In the case of blocks of flats – it is acceptable to use the average energy performance of all dwellings in the building.

<sup>128</sup> Should be in accordance with Approved Document L1A

Calculation	Notes
<b>The carbon reduction requirement should be applied to each unit or residential building envelope</b>	In the case of apartments and terraced housing it is acceptable to use the average energy performance of all dwellings within the building. The area weighted average DER and TER must be calculated in accordance with the block averaging methodology defined in clauses 2.7 and 2.16 of Approved Document L1A.
<b>The TER and DER should be derived from the Building Regulation, compliance calculations.</b>	
<b>Sample SAP calculations should be attached to the submitted Carbon Reduction Statement</b>	The Government is planning to ban gas boilers in new homes from 2025. There are also proposals to change the carbon intensity of electricity in SAP 10, which will take into account the decarbonisation of electricity. RBBC would recommend that SAP 10.0 emission factors be used.
<b>Where carbon reducing renewable technologies are proposed, these should be an integral part of the design and relevant drawings supplied. Proposals incorporating Combined Heat and Power will need to provide Air Quality Assessments</b>	
<b>Where mitigation measures are required to address amenity and prevent</b>	Consideration of proposed technologies on noise, air quality, etc with suitable mitigation measures identified as required.

<b>nuisance, these should be identified in the statement.</b>	
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## Appendix 5: Sustainability Checklist Template

# REIGATE AND BANSTEAD BOROUGH COUNCIL

<b>Applicant's Name</b>	
<b>Agent's Name</b>	
<b>Site Address:</b>	
<b>Description of proposal</b>	
<b>Date checklist completed</b>	
<b>Additional commentary regarding questions attached</b>	

1. Location and Transport (Chapter 3)	Yes	No	N/A
Does the location of the proposed development minimise distances to the main employment centres, shops, recreation and community facilities, and schools?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Is the development located away from an area liable to flooding?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Are the transport links, including the roads, footpaths, and cycle ways to the site liable to flooding?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
Does the scheme facilitate active/healthy travel choices and reduce private car dependency?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Do pedestrian and cycle routes link comfortably to surrounding areas/facilities, and to other transport networks, to provide a convivial travel experience? For larger developments, is there natural surveillance, for example active frontages?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Does the proposal provide appropriate levels and standards of car parking (as set out in Annex 4 of the DMP)?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Will the development incorporate electric vehicle charging points (that are unobtrusive and avoid street clutter)?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Does the proposal provide appropriate levels of, and secure facilities for, cycle parking/storage?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Will a Travel Statement (for smaller-scale developments) or Travel Plan (for proposals that generate significant traffic) be submitted with your proposal, including measures such as car-clubs/Smart travel?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>For larger developments, has the idea of a car-club been considered?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>2. Layout and Design (Chapter 5)</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
<b>For larger development schemes – does the layout utilise design to minimise shadowing, and gain heating efficiencies?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Will the development make the best use of existing landform, to protect against hotter or wetter weather conditions, and utilise thermal buffering?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>For larger sites - Does the proposed site layout and building orientation demonstrate a consideration of the potential for passive heating/cooling and light?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Has the design of the buildings taken account of the need for healthy lighting and ventilation and minimised glare? Has the cooling hierarchy been followed? Are the dwellings dual aspect?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Are the materials chosen appropriate for thermal mass, and has appropriate insulation and air-tightness been considered in the design of buildings, whilst balancing against the needs to avoid over-heating?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>3. Energy savings and use of renewables (Chapter 6)</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
<b>Does the scheme achieve a 19% carbon reduction Dwelling Emission Rate above the Target Emission Rate (as required in DMP policy CCF1)?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Do all the units in the scheme achieve a 19% carbon reduction Dwelling Emission Rate above the Target Emission Rate (as required in DMP policy CCF1)?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Has a Carbon Reduction Statement been prepared for the application?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>On developments of more than 10 homes and/or 1000 sqm of non-domestic development will 10% of the development's energy needs be met using renewable technologies (as required in DMP policy CCF1)?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>To contribute to the reductions in carbon emissions and/or energy reductions required in policy CCF1, have a variety of energy saving and/or renewable energy measures been considered (such as those set out in this document)?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Has the scope for connection of larger developments schemes to an existing District Heat and Cooling System, or CHP system been assessed? Has reference been made to the government's CHP Focus site assessment</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>tools?) Or has the incorporation of a new CHP system been considered?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Have biomass energy sources been considered where this could have sustainability benefits?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Have renewables technologies such as solar/PV or wind turbines been considered for the scheme, possibly in combination with other technologies such as those for storage of energy?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Where solar panels are being incorporated have you considered the impacts of shadowing on the panels and how it could affect their power output and has the visual impact been minimised?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Have ASHP/GSHP technologies been considered, particularly where there is available space?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Has solar heating been considered (perhaps in tandem with thermal storage)?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>For all listed technologies, has consideration been given to the ecological/and or design requirements and suitability, and have air quality issues been assessed where this is an issue?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>4. Green Infrastructure &amp; Ecology (Chapter 7)</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
<b>For large developments does the proposed scheme incorporate green infrastructure for increased resilience and adaptation to potential changes in climate? (This will need to be set out as part of the planning application).</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>For denser urban developments, has greenery been included in some form - for cooling surrounds and buildings?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Has the planting of shrubs been considered for cooling the outside of buildings?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>For developments on or close to roads, have trees or planting been considered for carbon capture and/or sequestration of air pollution (particles, etc)? And for larger developments, are trees/planting included for this purpose?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Have evergreen trees been considered in designs, to allow for carbon capture (and capture of air pollution) in the autumn/winter months?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Does the scheme incorporate any green infrastructure measures for insulation of buildings?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Does the scheme incorporate green roofs/walls?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Does the scheme incorporate any green infrastructure measures to assist with water attenuation?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Have measures to conserve, enhance and/or restore biodiversity (including to assist pollinators) in and around the development been considered, including to compensate for habitats lost through development of brownfield land, or through changes to the climate? (This could include a utilisation of a 'matrix' approach to habitats for adaptation to climate change.)</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>If the site is within an identified Biodiversity Opportunity Area (BOA) – have green infrastructure measures been included in line with the needs for that area, including regarding climate change.</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>In denser developments, have green roofs/walls been included to allow for linkages between habitats for birds and invertebrates, for example through measures such as living pillars?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>For larger developments, where there are flood-risks and /or rainwater attenuation issues, have Sustainable Drainage Systems (SuDS) been considered – which can also assist in the</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>enhancement/maintenance of wildlife habitats and eco-systems?</b>			
<b>Have all mature or large trees on the site been incorporated into the design of the new proposal, wherever possible?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Where there is landscaping in schemes have native tree/planting species been considered for inclusion, and are they suitable for a changing climate?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Have you considered how green and blue spaces within the development will be connected to the wider green infrastructure assets of the borough?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Does the planting of new green infrastructure take account of the change in climate in regard to selection of suitable types?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Will you be protecting existing ecological features from damage during site preparation and completion of construction works where practicable?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Does the proposal provide for on-going management of green and blue spaces, including biodiversity habitats?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>5. Water and Drainage (Chapter 8)</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
<b>In terms of water-use efficiency, does the proposal comply with Building Regulations and DMP Policy CCF1's water usage requirements limit of 110 litres per day, per person?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Does the application meet the requirements of CS10 in regard to careful use of resources?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Will the development require water-intensive processes for construction, and if so are there any water-saving measures that can be used to reduce this?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<p><b>Have measures been included into the scheme to reduce the amount of treated/purified water that would need to be pumped to the site, for example through measures to allow the harvest/recycling of rain, or 'grey' water (for example for gardens and other non-drinking water uses such as flushing toilets or possibly washing)?</b></p> <p>For example, have water-butts been considered for housing developments? Or underground tanks?</p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Have you designed-in measures to minimise surface water run-off, e.g. minimising paved areas and impermeable surfaces, or including soakaways?</b></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Where paved surfacing is used, can it be permeable and enable enhanced water-storage?</b></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>What measures have been included to address flood risk/rainwater attenuation? (For example, for landscaped areas, the inclusion of ponds or rainwater gardens, or for developments without landscaping possible green walls or roofs.)</b></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Have you considered incorporating sustainable urban drainage (SuDS) into your development proposal?</b></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Have you defined maintenance responsibilities for any proposed SuDS?</b></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>Have suitable gutters and pipes been identified to enable the building to withstand rainfall events in future?</b></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>For water-intensive developments, has the storage of water been considered, for avoidance of drawing on public water supplies (eg golf courses)?</b></p>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<p><b>6. Heritage Assets (Chapter 9)</b></p>	<b>Yes</b>	<b>No</b>	<b>N/A</b>

<b>Have you considered the impact of proposals for energy efficiency improvements, or renewables energy supplies, upon heritage assets? (This will need to be carefully addressed with recourse to advice from Historic England – as set out – and the Council's Conservation Officer, and planning consent or listed building consents may be required.)</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>If the development effects the setting of any listed building or ancient monument, has there been consultation with the Council's Conservation Officer? (Listed Building consents may be required.)</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>If considering improvements to the insulation of historic assets, have you:</b>  Considered dry lining, aerogels and /or cavity wall insulation, as opposed to external insulation (which may be inappropriate for the visual appearance of historic buildings)?	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Considered secondary glazing (rather than double-glazing)?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Has all siting of PV cells and panels been sensitively considered to avoid visual intrusion?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>If flood repairs are to be carried out, have you contacted the Conservation Officer/consulted HE advice?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>7. Demolition and Construction (Chapter 10)</b>	<b>Yes</b>	<b>No</b>	<b>N/A</b>
<b>Has consideration been given to embodied carbon, or the assessment of embodied carbon?</b>			
<b>Where site demolition will be necessary, have procedures for the salvage of building part and/or materials been put in place (including any natural materials on site)?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

<b>Has consideration been given to whether any of the salvage could be recycled back into the proposed development? Or how materials can be sustainably recycled?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Has regard been had to the ICE demolition protocol?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Can the scheme demonstrate that the selection of materials has incorporated locally recycled or produced materials where possible?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Does the proposal encourage the use of durable products</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Have you considered using other responsibly sourced building materials?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Has a framework or certification scheme been used to establish the responsible sourcing of materials for the scheme? Or is there a clear rationale for the materials selected?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Has the use of water during construction been considered (for minimisation of waste)?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Have you considered being part of a Considerate Constructors Scheme?</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

# **Climate Change & Sustainable Construction Supplementary Planning Document**

**Consultation Statement**

**Prepared in accordance with Regulation 12 of the Town and  
Country Planning (Local Development) (England) Regulations 2012**

**September 2021**

If you would like this document in a different format, Braille, large print, or audio, or in a different language, please contact the Planning Policy Team at:  
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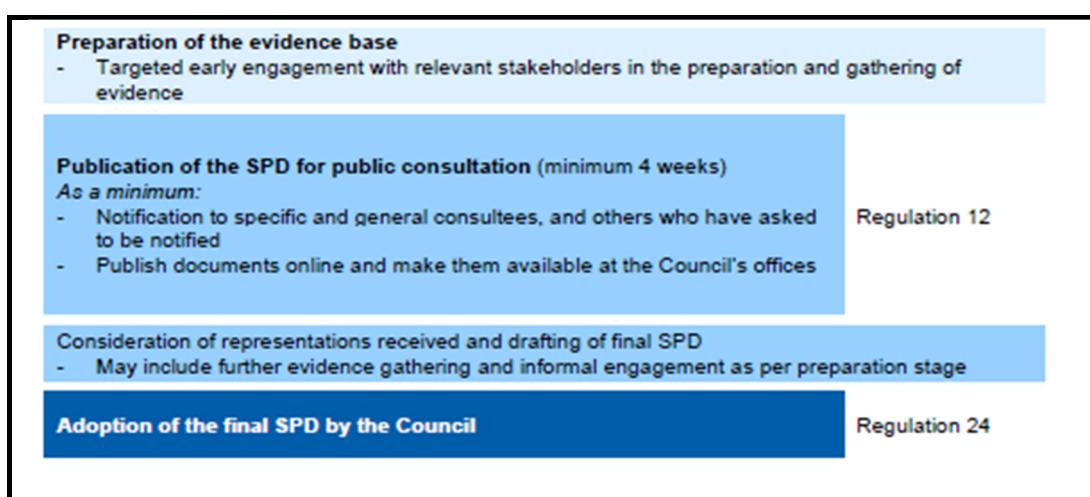
## **1. Introduction**

1.1. This Consultation Statement has been prepared to accompany the emerging Climate Change and Sustainable Construction SPD, and in accordance with Regulation 12 of the Town and Country Planning (Local Planning) (England) Regulations 2012. In line with the regulations it sets out:

- Who the Council has consulted with when preparing the SPD;
- A summary of the main issues raised; and
- How those issues have been addressed in the final revised draft of the SPD.

## 2. Preparing the SPD

- 2.1. The Climate Change and Sustainable Construction SPD has been prepared in accordance with the legal requirements of the Town and Country Planning (Local Planning) (England) Regulation 2012 (Local Plan Regulations)<sup>1</sup> and the requirements set out in the Council's Statement of Community Involvement in Planning (SCI) (April 2019)<sup>2</sup>. The SCI summarises how the Council will engage its communities in its planning functions, including in the preparation of SPDs.
- 2.2. The process is summarised in Figure 1 and Table 1 below.



*Figure 1: Process of preparing an SPD*

Source – Reigate & Banstead Statement of Community Involvement (2019)

<sup>1</sup> Available at: <https://www.legislation.gov.uk/uksi/2012/767/regulation/12/made>

<sup>2</sup> Available at: [http://www.reigate-banstead.gov.uk/download/downloads/id/5437/statement\\_of\\_community\\_involvement\\_in\\_planning.pdf](http://www.reigate-banstead.gov.uk/download/downloads/id/5437/statement_of_community_involvement_in_planning.pdf)

*Table 1: Timeline for preparation of the SPD*

Stage	Date
Early scoping and information gathering	June 2020 – September 2020
Preparation of draft SPD, with relevant input from key individuals and organisations	September 2020 – February 2021
Consultation on draft SPD with supporting documents: Initial Consultation Statement, Strategic Environmental Assessment and Habitats Regulations Assessment	24th May 2021 – 23rd June 2021
Consideration of representations received, and review of draft SPD as relevant	June 2021 – August 2021
Adoption of the Climate Change and Sustainable Construction SPD by Council's Executive	16 September 2021
Publish SPD with final Consultation Statement and Adoption Statement	September 2021

- 2.3. In preparing the draft Climate Change and Sustainable Construction SPD for public consultation, the views and expertise of the individuals and organisations listed at Table 2 were sought, and their suggestions were considered and incorporated into re-drafting of the document as considered appropriate. Table 2: Individuals and organisations involved in preparing the draft SPD

<b>Individuals/groups consulted</b>	<b>When and how consulted</b>
Development Management/head of planning service (RBBC)	First draft issued October 2020; subsequent draft sent to head of service in January 2021; comments received
Corporate officer (RBBC)	First document draft sent out October 2020; comments received
Sustainability officer (RBBC)	First draft issued October 2020; comments received; meeting autumn 2020; subsequent draft issued January 2021; additional comments received
Conservation officer (RBBC)	First draft issued October 2020; comments received
Greenspaces officer (RBBC)	First draft issued October 2020; comments received
Additional planning policy officer input (RBBC)	First draft issued October 2020; comments received
Environmental health officer (RBBC)	First draft issued October 2020 (question re charging points); comments received
Cross Member Party Sustainability Group (CMPS) (RBBC)	Pre-DMAG draft issued; comments received (individual councillor)
Development Management Advisory Group (DMAG) (RBBC)	Pre-DMAG draft issued, and Zoom meeting held/notes taken

*Table 3: Issues raised and alterations to the draft SPD*

Chapters	Issues raised and Responses
General document	<ul style="list-style-type: none"> <li>- Concern expressed on how a slow system such as planning policy would keep up to date with fast-changing technology such as renewables or electric vehicle charging etc. (DMAG)</li> </ul> <p>This SPD has been kept relatively generic/high-level regarding specific technologies and does not discourage new technologies.</p> <ul style="list-style-type: none"> <li>- DMAG asked for the title to be more reflective of the document's contents.</li> </ul> <p>Guide for Sustainable Development has been added below SPD for clarity.</p>
General document	<ul style="list-style-type: none"> <li>- RBBC corporate/sustainability officers suggested that chapter summaries (with headline requirements) and a possible abridged version for householders would be useful in making the document readable/useable for the majority of people.</li> </ul> <p>Corporate officer suggested the draft SPD needed to be clearer about expectations, with the inclusion of a summary of what needs to be done for a planning permission.</p> <p>Each chapter includes a section on Planning Applications and what is expected – and there is a Checklist at the end of the document for use by applicants. These have been updated and rationalised through iterations of the document. Additional section summaries were considered but ruled out to avoid repetition. An alternative residents' version of the document was ruled out due to time constraints.</p>
General document	<ul style="list-style-type: none"> <li>- RBBC corporate/sustainability officers suggested some description be placed in appendices.</li> </ul> <p>Some information moved to appendices to improve clarity and accessibility.</p>
General document	<ul style="list-style-type: none"> <li>- Diagrams/images considered very useful – SCC sustainability/corporate officers (re separate iterations) and DMAG</li> <li>- Additional policy officer advice – regarding 'accessibility' formatting.</li> </ul> <p>Incorporated as necessary.</p>
General document	<ul style="list-style-type: none"> <li>- The strength of requirements and whether actions should be mandatory or recommended, etc (language used/more positive) was raised by RBBC sustainability/corporate officers (after different iterations), SCC's sustainability officer, and DMAG.</li> </ul> <p>The word 'could' has been replaced by 'should' as appropriate in the</p>

	document, but officers remain mindful that further strengthening of language could effectively be seen as introducing new policy when SPDs can only be used as an amplification of existing local plan policy.
General document	<ul style="list-style-type: none"> <li>- RBBC conservation officer – concerned that all measures suggested are sensitively designed regarding local distinctiveness, conservation impacts, and good design, ensuring negative aesthetic impacts are minimised</li> </ul> <p>This has been addressed throughout, including regarding specific issues raised by the conservation officer. Chapter 9 details approached to heritage assets.</p>
General document	<ul style="list-style-type: none"> <li>- Discussion regarding the efficiency of lighting, within buildings and for street lighting, and avoidance of light pollution. (DMAG)</li> </ul> <p>Outside of the range of this document.</p>
Introductory (Chapters 1, 2, and 4)	<ul style="list-style-type: none"> <li>- Clarity re organisations, national targets, and corporate targets (Corporate officer)</li> <li>- Discussion re terminology for the energy hierarchy approach (initially as per London Plan) (Corporate officer)</li> </ul> <p>Removed London Plan terminology for plain language. Further information/detail included.</p>
Introductory (Chapters 1, 2, and 4)	<ul style="list-style-type: none"> <li>- Emphasis on synergies between climate and other sustainability issues – useful (SCC sustainability officer)</li> <li>- Additional wording re adaptation – ‘resilience’ (SCC sustainability officer)</li> </ul> <p>Included, and further emphasised.</p>
Introductory (Chapters 1, 2, and 4)	<ul style="list-style-type: none"> <li>- Inclusion of biodiversity net gain/biodiversity ‘credits’ (SCC sustainability officer/others as noted for Chapter 7)</li> </ul> <p>Biodiversity is referenced, but it is agreed that this is a broad subject area meriting further guidance at a later stage.</p> <ul style="list-style-type: none"> <li>- Carbon Reduction Statements – question regarding how carbon savings would be monitored; how they would be checked; and how enforcement would be applied if the savings were not met (RBBC head of service)</li> </ul> <p>This is covered to some extent, but additional information may be added following public consultation.</p>
Chapter 3 Location and linkages	<ul style="list-style-type: none"> <li>- RBBC head of service – suggested link to Surrey Design or the Emerging Local Distinctiveness Design Guide update regarding street design for larger sites.</li> <li>- CMPS (individual councillor) felt that inclusion of permeable</li> </ul>

	<p>design for pedestrians was important.</p> <p>Existing wording has been strengthened and further references included on safe places and active frontages.</p>
Chapter 3 Location and linkages	<ul style="list-style-type: none"> <li>- General agreement that reduction in car use is important, including SCC's sustainability officer; DMAG; and an individual councillor from the CMPS, but some aspects have been noted as missing - <ul style="list-style-type: none"> <li>o Car-clubs – more consideration (regarding two draft iterations) (RBBC sustainability officer)</li> <li>o Improvements for home-working (discussed at DMAG regarding connectivity e.g. to internet)</li> <li>o 20mph zones reference – possible air-quality issues (comment from additional planning policy officer)</li> </ul> </li> </ul> <p>Wider information on home-working has been considered, but would be attached to other policies, so would not be under the remit of this SPD.</p> <p>Car-clubs was considered but is covered adequately under the Local Plan's policies.</p> <p>The 20mph issue has been addressed through additional wording.</p>
Chapter 3 Location and linkages	<ul style="list-style-type: none"> <li>- Addition of advice/requirements regarding developer contributions towards public transport (especially where parking will be reduced) was raised by CMPS (individual councillor)</li> </ul> <p>Policies TAP1 and CS17 set out requirements for Transport Assessments and developer contributions. Further expansion of this information may require separate guidance.</p>
Chapter 3 Location and linkages	<ul style="list-style-type: none"> <li>- Regarding electrical vehicles and charging points – SCC's sustainability officer and CMPS (individual councillor) agreed EV charging would be important going forwards. DMAG were concerned technology would be superseded (Corporate officer had also raised this issue re future-proofing).</li> </ul> <p>EV charging points are a policy requirement – in accordance with government support for electric vehicles – and RBBC's Environmental Sustainability Strategy (a reference to which has been added to the text).</p>
Chapter 3 Location and linkages	<ul style="list-style-type: none"> <li>- EV charging - DMAG concerned whether electrical generation for EV would be decarbonised.</li> </ul> <p>It is not possible for Local Planning Authority to stipulate that electrical charging points are using decarbonised power. Either way local air quality can be improved.</p>

Chapter 3 Location and linkages	<ul style="list-style-type: none"> <li>- RBBC environmental health officer noted that particulates are reduced from tail pipes with electric vehicles, but not from tyres. Also provided some updates on diesel/petrol vehicle bans.</li> <li>- RBBC environmental health officer suggested inclusion of wording re vehicle to grid (V2G) operation.</li> <li>- Advised a charging point per house, given the immediacy of the changes.</li> </ul> <p>Text amended, and regarding level of provision - reference to the DMP policy.</p>
Chapter 3 Location and linkages	<ul style="list-style-type: none"> <li>- EV charging points could be kept to a 7kW minimum to avoid over-draining of the system by vehicles with faster charging capacities. (DMAG).</li> </ul> <p>Proposed wording based upon advice from RBBC's environmental health officer, that the standard for Europe is a 'type 2' socket. The type 2 socket runs to 22kW. There is a lower 7kW 'type 1' socket, but this is used rarely in Europe – more so in Asia. However, a requirement has been included that commercial developments also use the type 2 socket, not a faster rate.</p>
Chapter 3 Location and linkages	<ul style="list-style-type: none"> <li>- Reduce clutter/illumination of EV charging points (RBBC conservation officer)</li> <li>- Reference to sustainable transport in the checklist (RBBC sustainability officer)</li> </ul> <p>Wording included or checked in response to these issues.</p>
Chapter 5 Passive design	<ul style="list-style-type: none"> <li>- RBBC Conservation officer – concerned that orientation of buildings does not create an over-regimented effect, and all aspects of the chapter subject to design considerations, including traditional dry-lining for insulation on some traditional buildings.</li> </ul> <p>Advice taken regarding wording for all of this.</p>
Chapter 5 Passive design	<ul style="list-style-type: none"> <li>- CMPS (individual councillor) - noted that passive design had been discussed in the chapter, but not 'passivhaus' (especially re insulation). A policy officer also raised the issue re specific targets not being appropriate under the Council's own Local Plan policies.</li> </ul> <p>This section is on the wider concept of 'passive design' which is being used as part of achieving the Council's own policy standards, as set out in Local Plan policy; Passivhaus is a form of passive design, but with very specific targets of its own. (Insulation is included in the chapter on passive design.)</p>

Chapter 5 Passive design	<ul style="list-style-type: none"> <li>- Suggestion of including use of reflective paint (DMAG) This has been included as a potential solution, but there are many situations where this would not be appropriate.</li> </ul>
Chapter 6 Low-carbon power and heating	<ul style="list-style-type: none"> <li>- Possible confusion over terminology/chapter content – e.g. low/zero carbon; renewables; residual energy etc (including SCC's sustainability officer/Member of Cross Member Party Sustainability Group)</li> </ul> <p>The introduction has been re-drafted to improve clarity.</p>
Chapter 6 Low-carbon power and heating	<ul style="list-style-type: none"> <li>- RBBC Conservation officer – concerned that all measures suggested are sensitively designed regarding local distinctiveness; conservation impacts; good design; and ensuring negative aesthetic impacts are minimised – including siting and appearance of PV/solar panels.</li> </ul> <p>Advise adhered to in document including additional information on the siting of PV/solar panels.</p>
Chapter 6 Low-carbon power and heating	<ul style="list-style-type: none"> <li>- RBBC conservation officer - concerned with the efficacy of wind turbines.</li> <li>- Planning considerations associated with wind power possibly a little too negative sounding - CMPS (individual councillor)</li> </ul> <p>Text redrafted, but there remain important planning considerations with wind power.</p>
Chapter 6 Low-carbon power and heating	<ul style="list-style-type: none"> <li>- Issue raised regarding the visual/aesthetic requirement for applications for wind/solar energy farms. (DMAG)</li> </ul> <p>This is beyond the current remit of this document.</p>
Chapter 6 Low-carbon power and heating	<ul style="list-style-type: none"> <li>- Whether green (or living) roofs provide additional benefit to the running of solar PV systems, as noted in the draft – or whether the benefits are separate (SCC sustainability officer)</li> </ul> <p>Further information included. Research shows that green roofs can enable optimum ambient temperatures for the panels, and reduce dust on them, therefore improving their efficiency. (Also benefits to biodiversity through shade etc included in Chapter 7)</p> <ul style="list-style-type: none"> <li>- Policy officer noted the possibility of bird strike associated with solar panels.</li> </ul> <p>Addressed in the document text – and for green roofs.</p>
Chapter 6 Low-carbon power and heating	<ul style="list-style-type: none"> <li>- Agreed heat pumps/renewables/zero-carbon technology all important to include - SCC sustainability officer/CMPS (individual councillor)</li> <li>- RBBC conservation officer/additional planning policy officer questioned CHP and air quality issues.</li> </ul>

	Addressed in the text.
Chapter 6 Low-carbon power and heating	<ul style="list-style-type: none"> <li>- Wastefulness of grid transmission, therefore need for locally generated power (DMAG)</li> </ul> <p>Further emphasis on the importance of local power generation and heat sources included.</p>
Chapter 6 Low-carbon power and heating	<ul style="list-style-type: none"> <li>- RBBC conservation officer noted various checks/studies (eg archaeological) to be carried out for the installation of ground-source heat pumps</li> </ul> <p>Addressed in the text.</p>
Chapter 6 Low-carbon power and heating	<ul style="list-style-type: none"> <li>- Discussion over the additional inclusion of water-source heat pumps [DMAG/CMPS (individual councillor)] with members noting that these are a very efficient kind of heat pump. It was noted they are useful where balancing ponds are installed.</li> <li>- DMAG noted that correct heating systems (large radiators /under-floor heating) required for use with heat pumps.</li> </ul> <p>Water-source heat pumps have been included – including for developments close to or needing to install balancing ponds.</p> <p>Wording added regarding need for suitable heating systems for air-source heat pumps and other similar technologies.</p>
Chapter 6 Low-carbon power and heating	<ul style="list-style-type: none"> <li>- Biomass – The initial draft SPD included a section on biomass which was removed after issues of air-pollution were raised by RBBC officers (including Corporate officer, and conservation officer). DMAG suggested that it could be considered for rural/village areas, as long as the document set out the pros and cons clearly – including: travel distance for biomass fuel chips; economies of scale; and ease of use of the technology for residents. RBBC head of service also questioned the omission of biomass.</li> </ul> <p>Section re-instated, including reference to travel distance of fuel, and with the additional requirement that this is considered only for areas that are not very populated, and that ease of use of heating systems is considered.</p>
Chapter 6 Low-carbon power and heating	<ul style="list-style-type: none"> <li>- Guidance for off-site renewables, where not viable on-site (as per policy CCF1) (RBBC sustainability officer)</li> </ul> <p>A note regarding this has been included.</p> <ul style="list-style-type: none"> <li>- RBBC sustainability officer – strengthening of energy monitoring provisions</li> </ul>

	'Whole life' carbon assessment is a specialist developing field which would be very challenging for planners to monitor at present.
Chapter 7 Green Infrastructure	<ul style="list-style-type: none"> <li>- RBBC conservation officer – concerned that all new developments incorporate sufficient/appropriate planting – and although there is a need to consider climate change in choice of species (as document noted), many native species will still tolerate extreme conditions (need for a balanced approach).</li> </ul> <p>All addressed as advised in the document.</p>
Chapter 7 Green Infrastructure	<ul style="list-style-type: none"> <li>- Green Infrastructure/sequestration – attracted support for mature trees and removal should be avoided by designing around them etc [DMAG/ CMPS (individual councillor)] – also wetlands and hedgerows (SCC sustainability officer).</li> <li>- Welcome compensatory approach to loss of habitats/other references re species - CMPS (individual councillor)/RBBC sustainability officer.</li> <li>- DMAG requested that the loss of mature trees should be included as a minus in Carbon Reduction Statements carbon calculations.</li> </ul> <p>The draft versions of the SPD contained a section on sequestration through planting/trees in general (including regarding the importance of mature trees for carbon capture, and the need to protect them) – but some additional emphasis plus wetlands/hedgerow importance has been added – and that the loss of mature trees should be included as a minus in Carbon Reduction Statements calculations.</p>
Chapter 7 Green Infrastructure	<ul style="list-style-type: none"> <li>- RBBC greenspaces officer – issues regarding suitability of tree species for sequestration</li> </ul> <p>Additional information included.</p>
Chapter 7 Green Infrastructure	<ul style="list-style-type: none"> <li>- Additional information re urban greening to add (RBBC sustainability officer) – including planting of native/pollinator species. Also, corridors/buffers (RBBC conservation officer)</li> <li>- Corporate officer suggested links to: Green Infrastructure Strategy (and policy officer) – expand upon in relation to Climate Change; wider implications for tree planting (with reference to SCC's Tree Planting Strategy); and Biodiversity Opportunity Areas (BOA).</li> </ul> <p>The greening section has been strengthened and includes reference to the Council's Green Infrastructure Strategy, SCC's Tree Planting Strategy, and BOAs. However, this document is not primarily about greening/biodiversity per se – which may require further guidance.</p>

Chapter 7 Green Infrastructure	<ul style="list-style-type: none"> <li>- Biodiversity net gain – RBBC and SCC sustainability officers suggested the inclusion of more information about biodiversity net gain, such as the ‘selling’ of offsets to developers.</li> <li>- RBBC’s head of planning suggested the inclusion of a reference to DMP policy NHE2 regarding biodiversity net gain. A reference to Local Plan policy has been included, but further discussion regarding net gain is not included in this document because, whilst potential benefits to wildlife and habitats has been discussed throughout, specific discussion regarding biodiversity net gain is left out as warranting a wider, separate policy document.</li> </ul>
Chapter 8 Water resources	<ul style="list-style-type: none"> <li>- Need for a water resources section in sustainability SPD (SCC sustainability officer) – including re greywater recycling to be robust</li> <li>- Green roofs and avoiding rainwater pooling (SCC sustainability officer)</li> </ul> <p>Included this in addition to other attenuation mentioned/section already included in draft. There is a section on greywater recycling.</p>
Chapter 9 Heritage assets	<ul style="list-style-type: none"> <li>- RBBC’s conservation officer raised a variety of practical and specific issues in relation to the preservation or renovation of historic buildings, and in regard to the need for permissions and/or consents.</li> </ul> <p>Most of this expertise has been considered for this chapter and incorporated into the document as a whole.</p>
Chapter 10 Sustainable Construction	<ul style="list-style-type: none"> <li>- Materials – modern methods of construction (MMC) was suggested for inclusion (SCC sustainability officer); and there was a question about different types of materials for building</li> </ul> <p>This chapter covers materials used and sustainability in some depth already.</p>
Chapter 10 Sustainable Construction	<ul style="list-style-type: none"> <li>- Waste stream separation – was discussed as to whether it could be problematic, and in terms of suitability for the site or materials concerned – DMAG/ CMPS (individual councillor)</li> </ul> <p>A section is included on this, but not called waste stream separation – it discusses reclamation of materials, and notes this should be done ‘where possible’. References have been added in regard to suggestions that copper and steel can be reclaimed, but that reinforced concrete is not possible.</p>
Chapter 10 Sustainable Construction	<ul style="list-style-type: none"> <li>- Whole life carbon assessments were raised by the SCC/RBBC sustainability officers (and for checklist re-embodied carbon)</li> </ul>

	<p>Whole life considered previously but rejected due to lack of control over the future choices/uses for the buildings, e.g. appliances. However, there is guidance in regard to embodied carbon and assessments.</p> <ul style="list-style-type: none"> <li>- RBBC sustainability officer suggested FSC and other accreditation for materials should be included.</li> </ul> <p>There are a number of similar schemes; it would not be plausible for planners to have detailed knowledge of all of them.</p>
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### 3. Public Consultation on the draft SPD

- 3.1. Following Executive committee approval on 25 March 2021 for public consultation on the draft Climate Change and Sustainable Construction SPD in accordance with Regulation 12(b) of the Town and Country Planning (Local Planning) (England) Regulations 2012, the Council undertook a statutory public consultation on the draft SPD between 24th May and 23rd June 2021.
- 3.2. This consultation included all interested parties<sup>3</sup>, who were contacted through email or letter, depending on the details held, and any other persons wishing to contribute via publicity at libraries and on the Council's website. The document and supporting documents were available on the website, alongside an on-line survey for respondents to complete. We also accepted emails and letters.
- 3.3. In accordance with Regulation 13 of the Town and Country Planning (Local Planning) (England) Regulations 2012 we accepted all representations received within the consultation period.

### 4. Representations Received

- 4.1. Following the formal public consultation stage, the Council has reviewed the responses received and made amendments where necessary, in line with Section 23(1) of the Planning and Compulsory Purchase Act 2004, which states that:

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<sup>3</sup> Specific and general consultees, prescribed bodies for the Duty to Co-operate and other individuals and organisations registered on the Planning Policy database for such purpose

The local planning authority may adopt a local development document (other than a development plan document) either as originally prepared or as modified to take account of:

- any representations made in relation to the document;
- any other matter they think is relevant

- 4.2 A summary of the representations received and how they have been taken into consideration in finalising the SPD is detailed in Appendix 1. In addition, regulations 11(2) and 14 of the Town and County Planning (Local Planning) (England) Regulation 2012 state that an adoption statement must be provided to clarify any modifications made.
- 4.3 Prior to finalising the necessary amendments, the summary of the responses and the Council's proposed approach/ amendments to the draft SPD were considered by the LDF Scrutiny Panel on 25 August 2021 and the Overview and Scrutiny Committee on 9 September 2021. *No major amendments were made to the SPD as a result.*

## 5. Adoption of the SPD

- 5.1. Following adoption, the Climate Change and Sustainable Construction SPD will become a material consideration in the determination of planning applications and appeals and will therefore need to be taken into consideration in the preparation of planning proposals within the borough.

## 6. Appendices

### Appendix 1: Consultation responses from specific and general consultees with resultant changes made to the SPD where relevant, and any other matters

Representor	Summary of main issues raised, per relevant chapter (Some representations are summarised.)	Council's Proposed Response	Amendments to draft SPD? (Y/N)
<b>Representation /0003 Reigate Architects</b>	General support re sustainable construction.	Welcomed.	N
<b>Representation /0003 Reigate Architects</b>	<b>Issue 1</b> Need to consider the target audience further, and the distillation of the large amount of information available - Environmental Design Pocketbook recommended.	Noted. The Council plans to prepare a slimmed-down house-holder version in the future.	N
<b>RBBC/ Representation /0004 Highways England</b>	The outcome of the consultation is unlikely to materially affect the safety, reliability and/or operation of the SRN (the tests set out in DfT C2/13 para 10 and MHCLG NPPF para 109) and therefore, Highways England has no further comments on the specific document.	Noted.	N
<b>RBBC/ Representation /0006 Gatwick Airport Ltd</b>	Appreciate the inclusion of aerodrome safeguarding requirements already, and reference to aerodrome safeguarding circular. Sustainability - supportive/willing to work with developers to achieve safe/sustainable schemes.	Welcomed, and circular referenced to a footnote.	Y

<b>RBBC/ Representation /0007 Consultee</b>	<b>Issue 2</b> Greater clarity required re some of the figures in the document [listed].	These listed issues will all be considered case by case.	Y
<b>RBBC/ Representation /0007 Consultee</b>	<b>Issue 3</b> Delete acronyms included in Appendix which are not included in the document.	Agreed. List amended.	Y
<b>RBBC/ Representation /0007 Consultee</b>	<b>Issue 4</b> Consistency of initial capital letters on certain words or phrases, or written form of chemical names [identified] Correct the full term for SuDS to Sustainable Drainage Systems (not Sustainable Urban Drainage Systems) [instances noted].	Agreed. Terminology revised	Y
<b>RBBC/ Representation /0007 Consultee</b>	<b>Issue 5</b> Deletion required of incorrect numbering instance [noted].	Agreed. Numbering updated.	Y
<b>RBBC/ Representation /0007 Consultee</b>	<b>Issue 6</b> Provision of hyperlink to a correct and encompassing website rather than the one given [instance as suggested].	Agreed. Footnote amended.	Y
<b>RBBC/ Representation /0007 Consultee</b>	<b>Issue 7</b> Biomass - use term 'biomass energy resources'/suggestion of further amended hyperlinks/footnotes [as noted].	Agreed. Footnote amended.	Y
<b>RBBC/ Representation /0009 Tadworth &amp; Walton Residents Association</b>	Support for the document.	Welcomed.	N

<b>RBBC/Representation /0009 Tadworth &amp; Walton Residents Association RBBC/Representation /0026 Councillor Whinney</b>	<b>Issue 8</b> Make the document more specific to readers. /Need a residents' version	Noted.	N
<b>RBBC/Representation /0009 Tadworth &amp; Walton Residents Association</b>	<b>Issue 9</b> Need to make document more mandatory - more than advisory.	SPDs can only amplify existing local plan policies. The advice they provide is not mandatory but is a material consideration in the planning decision process.	N
<b>RBBC/Representation /0009 Tadworth &amp; Walton Residents Association</b>	<b>Issue 10</b> Propose review of sustainability and climate policies in local plan.	Noted. The Council is required to review the Local Plan Core Strategy by July 2024 and the Development Management Plan by September 2024. The review would include revisiting existing climate change and sustainable development policies particularly as building regulations and environmental legislation are being amended and new requirements are being added. In autumn 2021 the government will be introducing a new planning bill which is likely to make fundamental changes to the plan making process, the content, how it is presented and implemented. It is likely that the council will follow the new approach rather than prepare a new plan based on existing legislation that would soon be superseded.	N

<b>RBBC/ Representation /0010 SCC, Principal Planning Officer</b>	Document is comprehensive.	Welcomed.	N
<b>RBBC/ Representation /0011 Horley Town Council</b>	Support for accountability of development re mitigation to and adaptation of CC, and other sustainability issues.	Welcomed.	N
<b>RBBC/ Representation /0013 Environment Agency</b>	Support for the SPD's high design requirements.	Welcomed.	N
<b>RBBC/ Representation /0015 Consultee</b>	<b>Issue 11</b> As part of the online survey it would be helpful 'to include relevant part of consultation document beside survey questions and reduce the number of links'.	Noted. Use of the survey approach was adopted to encourage greater participation in the consultation. This was the first time we tried this with a planning document. The issue is acknowledged, and solutions are being discussed. At the same time there were alternative more traditional ways to respond including email and letter.	N
<b>Chapters 1 &amp; 2</b>			
<b>RBBC/ Representation /0009 Tadworth &amp; Walton Residents Association</b>	<b>Issue 12</b> Clarification required on whether the Council has joined the Net Zero pledge as other councils have done including Lancaster.	Noted. The Council decided not to join the net zero carbon pledge but through the Local Plan and Environmental Sustainability Action Plan the Council is working towards reducing carbon emissions in line with national objectives.	N
<b>RBBC/ Representation /0022</b>	<b>Issue 13</b> The present terminology below gives too much room for non-compliance:	SPDs cannot introduce policy requirements. They can only provide guidance.	N

	<p>1.14 "Applicants are expected..." to be changed to "Applicants are required..."</p> <p>1.15 "Applicants are expected..." to be changed to "Applicants are required..."</p> <p>1.16 "This should be discussed..." to be changed to "This must be discussed".</p>		
<b>RBBC/ Representation /0022</b>	<p><b>Issue 14</b></p> <p>On April 20th the UK government announced that it will set the world's most ambitious climate change target into law to reduce emissions by 78% by 2035 compared to 1990 levels. This will require more rapid decarbonisation than previously expected in order to meet the sixth Carbon Budget (limits the volume of greenhouse gases emitted over a 5-year period from 2033 to 2037, taking the UK more than three-quarters of the way to reaching net zero by 2050). This urgency needs to be better reflected in Legislation paras 2.2/2.3.</p>	<p>This section can only set the legislative and policy context in a neutral manner. No change proposed.</p>	N
<b>RBBC/ Representation /0022</b>	<p><b>Issue 15</b></p> <p>2.4 Significant omission, as there is no mention of upcoming "Future Homes Standard" and how this will impact this document.</p>	<p>The Buildings Regulations consultation 2021 – Future Buildings Standard has been added: <b>'Building Regulations consultation 2021'</b></p> <p>2.23 As part of the government's commitment to achieve net zero carbon by 2050, in January 2021 the government consulted on revisions to Part L of the building regulations. Part L sets the standards for energy efficiency in new development. The proposals include a significant uplift in the required standards above the 2013 standards on which</p>	Y

		the Local Plan policies are based.'	
<b>RBBC/ Representation /0022</b>	<p><b>Issue 16</b></p> <p>2.9 The DMP is out of date as it refers to 2013 building regulations which have been superseded .There is industry-wide agreement that Part L is not fit for purpose and is leading to a wide performance gap; with buildings being constructed that may be using up to five times as much energy as they were intended to. This needs to be urgently addressed in Part L 2020 with design calculations needing to be far more accurate and mandatory disclosure of in-use energy performance required to encourage better building design and lower bills.</p>	<p><b>The Buildings Regulations consultation 2021 – Future Buildings Standard has been added: ‘Building Regulations consultation 2021’</b></p> <p>‘2.23. As part of the government’s commitment to achieve net zero carbon by 2050, in January 2021 the government consulted on revisions to Part L of the building regulations. Part L sets the standards for energy efficiency in new development. The proposals include a significant uplift in the required standards above the 2013 standards on which the Local Plan policies are based.’</p>	Y

### Chapter 3: Development Location and Sustainable Transport Linkages

<b>RBBC/ Representation /0009 Tadworth &amp; Walton Residents Association</b>	<p><b>Issue 17</b></p> <p>Need more detail on pedestrian/cycle routes and crossing points.</p>	Noted. The Department for Transport Cycle Infrastructure Design 1/20 and the Design Manual for Streets 2 along with the emerging Reigate and Banstead Local Cycling and Walking Infrastructure Plan provide detailed guidance. No further changes proposed.	N
<b>RBBC/ Representation /0009 Tadworth &amp; Walton Residents Association</b>	<p><b>Issue 18</b></p> <p>All new development with car parking to have advance ducting and cabling for electric vehicles.</p>	Noted. This is already included at paragraph 3.18.	N
<b>Representation /0018</b>	<b>Issue 19</b>	The policy requirement is included at DMP Policy TAP1,	N

<b>Raven Housing Trust</b>	Paragraph 3.18 (advance provision of cabling and ducting) – notes ducting is easy/inexpensive, but questions the required provision of cabling, which is expensive and may become redundant as technology progresses re battery charging.	1f. and was subject to a development viability assessment and robust examination. Changes in technology and their roll out would inform the future local plan review.	
<b>RBBC/Representation /0011 Horley Town Council</b>	Support the framework for design of developments, re location/land use/reducing travel.	Welcomed.	N
<b>RBBC/Representation /0011 Horley Town Council</b>	Support for the planning system enabling/promoting active travel.	Welcomed.	N
<b>RBBC/Representation /0015 Consultee</b>	Electrical Vehicle charging to be included at all new builds (and car parks for flats).	Support noted. All new development attracting car travel including charging facilities is included in the draft SPD (in line with DMP Policy TAP1, 1f) at paragraph 3.17 of Chapter 3.	N
<b>RBBC/Representation /0015 Consultee</b>	<b>Issue 20</b> Larger parking spaces are needed for the EV charging.	The Development Management Plan (adopted 2019) sets car parking standards, including the size of parking spaces and requirements for EV charging infrastructure. Any review of the standards as part of a local plan review would include engagement with EV charging point suppliers and users.	N
<b>RBBC/Representation /0022</b>	<b>Issue 21</b> 3.6 All development sites should be assessed as to whether increased access by foot/bicycle can facilitate increased levels of	Understanding site permeability is highly subjective and depends on the size, shape and location of the site. The Development	N

	<p>active travel undertaken by the wider community. Permeability of sites should actively be assessed to check whether there are benefits to be sought and gained to implement the borough's Local Cycling and Walking Implementation Plan.</p>	<p>Management Plan already includes an accessibility tool which can provide an initial accessibility rating. The emerging Local Cycling and Walking Infrastructure Plan will establish the initial set of projects for detailed design. Combined these tools will help inform future investment to support active travel.</p>	
<b>RBBC/ Representation /0022</b>	<p><b>Issue 22</b> Where possible new Rights of Way should be established to enhance the present network: all unnecessary barriers to wider community movement should be avoided at all costs.</p>	<p>Whilst the principle is supported Rights of Way comes under different legislation to Planning and is subject to the Highways Authority.</p>	N
<b>RBBC/ Representation /0022</b>	<p><b>Issue 23</b> 3.15 High quality bicycle parking provision is key to increasing levels of cycle usage. The advice here is inadequate. Developers should be expected to introduce best practice cycle storage, the following document provides guidance for exemplar provision and should be adopted/signposted: <a href="https://www.cambridge.gov.uk/media/6771/cycle-parking-guide-for-new-residential-developments.pdf">https://www.cambridge.gov.uk/media/6771/cycle-parking-guide-for-new-residential-developments.pdf</a></p>	<p>Noted. Detailed guidance would require the preparation of a separate document and would include a review of existing guidance and best practice. As the SPD is intended as an introduction no changes are proposed.</p>	N
<b>RBBC/ Representation /0019</b>	<p><b>Issue 24</b> As this all applies to planning consent for new developments, greater emphasis should be put on the need to reserve the space above ground for people nature and the dwelling, and for vehicles to be stored underground.</p>	<p>Storage of vehicles below ground can be very costly which can make a development unviable. It is beyond the remit of this SPD to require below ground parking.</p>	N

<b>RBBC/ Representation /0019</b>	<b>Issue 25</b> Residential developments should have a max. vehicle speed of 20mph or lower.	Noted. This is a matter for Surrey County Council, the local highways authority. Increasing the number of 20mph areas is being proposed in the draft Surrey County Council Local Transport Plan 4 on consultation until 24 October 2021.	N
<b>Chapter 4: Carbon Reduction – Energy Hierarchy and Carbon Reduction Statements</b>			
<b>RBBC/ Representation /0009  Tadworth &amp; Walton Residents Association</b>	Carbon reduction statements - unsure of enforceability; should apply to all development.	Noted. Carbon Reduction Statements will be required for all planning applications, as set out in paragraphs 4.7 – 4.9 inclusive.	N
<b>RBBC/ Representation /0009  Tadworth &amp; Walton Residents Association</b>	<b>Issue 26</b> Construction management statements should cover all environmental issues.	Disagree. Construction Management Statements need to be proportionate for the scale and type of development proposed. The inclusion of all environmental issues would be onerous for small and modest scale developments.	N
<b>Chapter 5: Layout and Building Design (for reduced energy needs)</b>			
<b>RBBC/ Representation /0003  Reigate Architects</b>	<b>Issue 27</b> All new build to meet Passivhaus standards.	The draft SPD does not set new policy and cannot compel developers to meet Passivhaus standards specifically; it sets out a range of measures to fulfil the local plan policy/target requirements, including regarding carbon reductions.	N
<b>RBBC/ Representation /0003  Reigate Architects</b>	<b>Issue 28</b> Extensions should bring energy improvements to existing buildings (SAP calculations).	The SPD cannot introduce new policy requirements. This is subject to building regulations which are currently under review.	N

<b>RBBC/ Representation /0003 Reigate Architects</b>	<b>Issue 29</b> Include open eves for nesting birds	The Council is preparing a separate SPD for biodiversity that will be subject to future consultation. Consideration will be made on whether to include provision for nesting birds.	N
<b>RBBC/ Representation /0009 Tadworth &amp; Walton Residents Association</b>	Possible need to avoid south-facing habitable rooms (or to include screening) for adaptation to increased heat/need for cooling.	This issue is covered at some length within the section 5 from paragraph 5.25.	N
<b>RBBC/ Representation /0011 Horley Town Council</b>	Support for the passive and active energy measures.	Welcomed.	N
<b>RBBC/ Representation /0016 Consultee</b>	<b>Issue 30</b> Guidance is needed re the issue of new development blocking solar light from existing photovoltaic solar panels (through siting/height).	Noted. However, this is a right to light issue rather than a planning matter. Building separation distances are identified in the Development Management Plan.	N
<b>RBBC/ Representation /0015 Consultee</b>	<b>Issue 31</b> Extensions to older buildings – should be fully insulated (over a threshold size)  This should include the insulation of suspended floors of 1930s housing stock which can account for 20% heat loss.	This is a Building Regulations matter and is consequently outside the remit of this SPD.	N
<b>RBBC/ Representation /0015 Consultee</b>	<b>Issue 32</b> No mains connection to gas (as soon to be defunct - 2023).	The Government have signalled an intention to halt the installation of gas boilers in new development from 2025. However, gas connections are already becoming less common in new developments. However future occupiers still have the	N

		choice to install such connections. It is up to government to ban such connections not for this SPD.	
RBBC/ Representation /0019	<b>Issue 33</b> Intention is good; confusing usage of DER and TER, plus the concept of the Carbon Reduction Statement. Not stated what the consequences would be for the developer if the dwellings use more energy in real life than was claimed during the design stage. Should this be a binding contract, or a guarantee scheme underwritten by an insurer?	Noted. DER and TER are understood by the construction industry as the terms are embedded in the building regulations. Conditions would be applied to a planning permission and would be subject to enforcement and charges against the property. There is no expectation for it to be underwritten though some developers may take such action independently.	N

## Chapter 5: Layout and Building Design (for reduced energy needs)

RBBC/ Representation /0022	<b>Issue 34</b> Chapter 5 may need to be amended in the light of the upcoming Approved Document on overheating: changes may need to be introduced which may be critical to future-proofing domestic living environments: <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/953752/Draft_guidance_on_heating.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/953752/Draft_guidance_on_heating.pdf</a>	Many of the themes covered in chapter 5 remain pertinent with regards to minimising overheating. Further amendments to the SPD would be subject to a review of Policy CCF1.	N
RBBC/ Representation /0022	<b>Issue 35</b> Thermal mass can potentially exacerbate night-time temperatures without active cooling if poorly designed; areas of glazing may need to be limited; external shades considered as standard; windows, balcony/patio doors etc need to be designed to allow for night-time venting whilst	Agree. However, SPD is seeking to provide guidance as to what is possible so as to minimise active cooling.	N

	maintaining security: <a href="https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956037/Future_Buildings_Standard_consultation_document.pdf">https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/956037/Future_Buildings_Standard_consultation_document.pdf</a>		
<b>RBBC/Representation/0020 Banstead &amp; District Federation of Residents' Associations</b>	Yes – clear how it should be applied to a planning application.	Noted.	N
<b>RBBC/Representation/0027 Consultee</b>	Support proposals 5.7.	Welcomed.	N
<b>RBBC/Representation/0027 Consultee</b>	<b>Issue 36</b> Inclusion of shop fronts and their ventilation in the SPD.	Noted. We welcome these comments; however, this extends beyond the remit of the SPD but will be considered when the shop front guide is revisited.	N
<b>RBBC/Representation/0019</b>	<b>Issue 37</b> To ensure good design practice, the proposer/designer could be invited to submit a Design Statement outlining how this design constitutes an optimum solution. As for the previous comment, a binding commitment to achieve certain values can be a condition of consent being granted. Some concern w/r/gds the promoting of thermal mass in designs if this is to be achieved with materials of high embodied energy (cement/concrete/brick).	Design and access statements are required to accompany a planning application. Conditions to planning permissions would be applied to ensure conformity with the policies. Noted on the concerns but it is based on currently available materials.	N
<b>RBBC/Representation/0022</b>	<b>Issue 38</b> 5.13 Thermal mass - encouraging the use of materials that add to the thermal mass of a building will add to the embodied carbon in the building. The	Noted.	N

	<p>promotion of well insulated, lighter weight buildings that are produced using modern methods of construction may lead to greater carbon savings overall.</p>		
<b>RBBC/ Representation / 0018 Raven Housing</b>	<p><b>Issue 39</b> Development in the area of "phase change materials" may be a better avenue to explore rather than continuing along the route of creating thermal mass with bricks, blocks and concrete.</p>	<p>Noted. However, this is for the developer to propose and changes to Building Regulations.</p>	N
<b>RBBC/ Representation /0022</b>	<p><b>Issue 40</b> 5.24 Controlled ventilation should be considered to be a better practise than omitting draught-stripping in kitchen doors and windows/ Not clear how this would be applied (planning application).</p>	<p>Noted. Part F of the Building Regulations is being amended. Controlled ventilation is included in the example technologies.</p>	N
<b>RBBC/ Representation /0026</b>	<p><b>Issue 41</b> Include loft insulation requirements.</p>	<p>Noted. Part L of the Building Regulations sets the standards for Energy Efficiency in buildings. These are under review and are likely to make the current requirements obsolete.</p>	N
<b>RBBC/ Representation /0026 &amp;</b>	<p><b>Issue 42</b> Proposal to require electric hobs in new developments.</p>	<p>Noted. This is already happening as developers move away from installing gas supplies. However, some homeowners will still install such supplies. A ban on gas hobs would need to come from Government and is beyond the remit of this SPD.</p>	N
<b>RBBC/Represe ntation/0027 Consultee</b>	<p><b>Issue 43</b> Paragraph 5.27 – 'Air conditioning is commonly used to address overheating, but this is energy intensive with high associated levels of carbon</p>	<p>Noted. This method has been included to the chapter.</p>	N

	<p>emissions. It also places a cost on future occupiers in terms of both energy bills and maintenance costs.</p> <p>Therefore, the Council's preferred approach to overheating is that the design of developments should follow a 'cooling hierarchy' (see Figure 11 below), subject to taking a balanced approach to this and other design considerations.</p>		
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## Chapter 6: Renewable and/or low-carbon, and local, power and heating

<b>RBBC/ Representation /0001 Consultee/ &amp; RBBC/ Representation /0027</b>	<b>Issue 44</b> Solar panels should be required as a condition.	The draft SPD does not set new policy and cannot compel developers to use solar panels specifically; it sets out a range of measures to fulfil the local plan policy/target requirements, including the use of solar panels where appropriate.	N
<b>RBBC/ Representation /0003 Reigate Architects</b>	<b>Issue 45</b> Small wind turbines not effective.	The document presents a range of options for use alone or in combination with other technologies.	N
<b>RBBC/ Representation /0003 Reigate Architects</b>	<b>Issue 46</b> Need for, or to encourage - solar/wind farms and energy from waste plants.	This SPD is concerned with the content of development applications; the need for energy from wind/solar farms/waste would form part of a wider energy strategy outside of the remit of this SPD.	N
<b>RBBC/ Representation /0003 Reigate Architects RBBC/</b>	<b>Issue 47</b> Solar panels should be used even if not attractive; sharpen the Sustainability Checklist regarding this.	The SPD seeks to amplify policy and to encourage best practice regarding climate change and other environmental issues – alongside ensuring that the	N

<b>Representation /0018 Raven Housing</b>	'6.24 and 6.25 Hiding away PV panels and requiring them to be black in colour will limit the opportunity for inclusion within a scheme.'	visual environment and sense of place are still maintained (also in line with local plan policy requirements).	
<b>RBBC/ Representations/0005 Thames Water; 0013 Environment Agency</b>	<b>Issue 48</b> Inclusion of anaerobic digestion (Thames Water), and, generally, the creation of green energy through waste-management (Environment Agency)	Agreed. The SPD largely identifies technologies that can be readily integrated into typical developments in the borough. Anaerobic digestion is now identified in paragraph 6.7. 'These types of energy sources include: connections to district heat and cooling systems or combined heat and power systems (CHP), micro-combined heat and power systems (MCHP) (set out below), some forms of thermal storage systems (see paragraph 6.48 below), and waste-management to create renewable energy, such as anaerobic digestion.'	Y
<b>RBBC/ Representation /0005 Thames Water</b>	Support for solar power.	Welcomed.	N
<b>RBBC/ Representation /0006 Gatwick Airport Ltd</b>	<b>Issue 49</b> Paragraph 6.10/CHP - concern over the impacts of the flues (protected surfaces infringement; impacts on navigational aids or instrument flight procedures; emissions) in aerodrome safeguarding.	Agree. Paragraph 6.13 additional text added: 'and aerodrome safeguarding requirements need to be taken account of regarding the height of the flue and vicinity of an aerodrome such as Gatwick Airport (in regard to impacts on navigational aids/instrument flight procedures; emissions; or protected surfaces infringement).'	Y
<b>RBBC/ Representation /0006</b>	<b>Issue 50</b> Paragraph 6.20/solar - glint/glare effects, and/or potential for	Agreed. Additional wording added at para 6.26: 'Plans for the installation of solar	Y

<b>Gatwick Airport Ltd</b>	deflecting navigational radar beams (depending on location etc), so possible need for a solar hazard study or consultation with the navigational aid providers.	panels/arrays in aerodrome safeguarding areas, should be mindful of potential impacts upon the navigational aids, or the attraction of birds, and may therefore require consultation with the airport/aerodrome, and bird-proofing measures.'	
<b>RBBC/Representation /0006 Gatwick Airport Ltd</b>	<b>Issue 51</b> Solar installations - can also attract birds, so possible need for bird-proofing, dependent on location, etc.	Agreed. Additional wording added at 6.26: 'Plans for the installation of solar panels/arrays in aerodrome safeguarding areas, should be mindful of potential impacts upon the navigational aids, or the attraction of birds, and may therefore require consultation with the Airport, or bird-proofing measures.	Y
<b>RBBC/Representation /0006 Gatwick Airport Ltd</b>	Solar on green roofs (para 6.26) - safety information included is supported.	Welcomed.	N
<b>RBBC/Representation /0006 Gatwick Airport Ltd</b>	Wind turbines (paras 6.29/6.74) - safety information included is supported.	Welcomed.	N
<b>RBBC/Representation /0006 Gatwick Airport Ltd</b>	<b>Issue 52</b> Wind turbines (paras 6.29/6.74) - needs mention of possible impacts on protected surfaces and Instrument Flight Procedures (IFP).	Agreed. Additional wording added at para 6.29 The location and size of wind turbines will also need to be controlled where they could affect air traffic control radar systems; Instrument Flight Procedures (IFP); or protected surfaces in the vicinity of aerodromes.'	Y

RBBC/ Representation /0018 Raven Housing	<p><b>Issue 53</b></p> <p>6.34 Ground source heat pumps - shared ground loop arrays which involve the installation of multiple boreholes which are linked to provide a heat source to groups of properties are not discussed. Carbon savings are possible with this approach through the reduction in the number of boreholes required for a scheme. The array can also be extended at a future date to serve additional properties plus, the infrastructure will still be available when the current buildings reach the end of their useful life.</p>	<p>Noted. The SPD introduces a wide number of basic technologies, but no other technologies are ruled out where effective carbon savings and other benefits can be achieved.</p>	N
RBBC/ Representation /0009  Tadworth & Walton Residents Association	<p><b>Issue 54</b></p> <p>Solar panels should be a requirement for all buildings unless not suitable.</p>	<p>The document does not set new policy and therefore cannot compel developers to use solar panels specifically – but it does specify requirements for carbon reductions (including through a requirement for a Carbon Reduction Statement), to be achieved through a range of suggested means, in support of local plan policies and targets.</p> <p>The section on solar panels and arrays makes clear that whilst this is a useful renewable energy source, there can be drawbacks. This technology may therefore not always be suitable for all developments.</p>	N
RBBC/ Representation /0009  Tadworth & Walton Residents Association	<p><b>Issue 55</b></p> <p>Liquid hydrogen for heating suggested.</p>	<p>Whilst we acknowledge liquid hydrogen as an emerging technology (and the wording of the document allows for and does not exclude new technologies) the Council considers that it is beyond the scope of this current planning</p>	N

		document for further amplification within the text.	
<b>RBBC/Representation/0011 Horley Town Council</b>	Support for renewable technologies.	Welcomed.	N
<b>RBBC/Representation/0022</b>	<b>Issue 56</b> 6.7/6.15 Emphasis on micro-CHP should be considered in relation to target to avoid gas for heating by 2025.	The document already identifies micro CHP along with other technologies.	N
<b>RBBC/Representation/0019</b>	<b>Issue 57</b> Biomass; very vague chapter - no mention of acceptable particulate levels, pollutants, fire safety?	Section on biomass is an introduction, pollution levels have to comply with air quality legislation and fire safety is subject to review by the fire safety officer.	N
<b>RBBC/Representation/0022</b>	<b>Issue 58</b> 6.27/6.74 Domestic wind energy installations. It would be helpful to include information regarding what is allowable under permitted development: <a href="https://www.planningportal.co.uk/info/200130/common_projects/57/wind_turbines">https://www.planningportal.co.uk/info/200130/common_projects/57/wind_turbines</a> .	Given the issues related to installing wind energy installations we would recommend a discussion with the Duty Planning Officer as mentioned in the SPD.	N
<b>RBBC/Representation/0022</b>	<b>Issue 59</b> 6.50 A sea change in the efficiency of battery storage is underway which will change the face of domestic microgeneration and should be emphasised here.	Reference to Battery systems is included in the SPD but there remain limitations in the quantity of rare earths available to meet long term demand.	N
<b>RBBC/Representation/0022</b>	<b>Issue 60</b> 6.51 Reference and encouragement should be made to the opportunities to provide community energy solutions through existing (or new) local projects e.g. <a href="https://www.weyvalleysolar.co.uk">https://www.weyvalleysolar.co.uk</a>	This is a corporate rather than a planning issue though such schemes are broadly supported in the SPD.	N

	/ (which is only one of a number of local coops organised under the umbrella of Energy4All <a href="https://energy4all.co.uk/">https://energy4all.co.uk/</a> ) These organisations are set up by local people who are willing to work with local authorities to make "offsetting" a reality.		
RBBC/Representation/0022	<p><b>Issue 61</b></p> <p>6.52 Biomass. This is an important renewable energy source, which supports local rural industry. Given that Surrey is the most heavily wooded county in the UK, with more trees planned this section should be given greater consideration. The Government supports biomass combustion, particularly in heating large buildings to continue to be utilised in the decarbonisation of heating whilst also mitigating the air quality impacts.</p> <p>There is an overemphasis on logs. The use of woodchip and pellets should be referenced as an alternative. Local projects exist which are very good examples of local self-sufficiency.</p>	The SPD provides guidance on Biomass. However there remain issues on removing trees to burn them, which contributes to air pollution when they could be absorbing carbon from the atmosphere.	N
RBBC/Representation/0007 Consultee	<p><b>Issue 62</b></p> <p>Air Quality - should include policy guidance, including link to RBBC's Environmental Protection statements on Smoke Control Area &amp; Smokeless Fuels.</p>	Agreed. Link included at para 6.54.	Y
RBBC/Representation/0019	<p><b>Issue 63</b></p> <p>Requirement 6.60: why? Is this not for the designer to propose?</p>	Generally recognised as best practice.	N

RBBC/ Representation /0019	<p><b>Issue 64</b></p> <p>Paragraph 6.70 – ‘Why limit the size of the housing [compressor unit] to 0.6m.cu? No mention of noise from ASHP? Acceptable max. db-level? Why are Air-conditioning units not included?’</p>	<p>Noted. The size limit of 0.6m.cu is permitted by the Town and Country Planning (General Permitted Development) (England) Order 2015 Schedule 2 Part 14 Class G. Larger units would require planning permission. Air conditioning units were not considered a low carbon technology.</p>	N
RBBC/ Representation /0022	<p><b>Issue 65</b></p> <p>6.74 Insufficient detail to advise and support proposals for medium and larger scale wind. A constraints map could be provided which shows airport safeguarding, as well as landscape designation (AONB). Wind speed maps would help identify opportunities.</p>	<p>The object of this guidance is to support typical developments not to provide detailed guidance for all eventualities which could soon become obsolete. Airport safeguarding maps are already available as too are wind speed maps from various providers. The AONB is shown on the Local Plan Policies Map.</p>	N
RBBC/ Representation /0022	<p><b>‘Community Energy. A separate paragraph supporting the opportunities for local communities to get involved in engaging with the climate emergency would be welcome. These opportunities may arise as a result of new development (engaging new residents as well as those already living in the locality): <a href="https://energy4all.co.uk/about-us/">https://energy4all.co.uk/about-us/</a></b></p>	<p>There are many initiatives supporting community energy but these are better placed outside this SPD as they are more about groups working together rather than individual developments which this SPD is primarily concerned with.</p>	N
<p><b>Chapter 7: Green Infrastructure and ecology for reduced energy needs and efficiencies, and climate adaptation</b></p>			
RBBC/	Much support with regard green infrastructure and greening of	Welcomed.	N

<b>Representation /0013 Environment Agency</b>	development sites, including via living roofs, and the inclusion of green infrastructure for resilience, flood-risk mitigation, and improved habitats.		
<b>RBBC/ Representation /0013 Environment Agency</b>	<p><b>Issue 66</b></p> <p>Urban Blue Corridors represent a new way of thinking about opportunities and solutions to urban flood risk management and can be applied at the strategic as well as at a Master-planning site-specific scale. It should be highlighted that a potential benefit or design element of green infrastructure is the provision of increased flood storage that can link with the enhancement of biodiversity as well as economic benefits.</p>	<p>Agreed. New paragraph added at 7.31 stating: 'The Environment Agency are promoting Urban Blue Corridors. These represent a new way of thinking about opportunities and solutions to urban flood risk management and can be applied at the strategic as well as at a Master-planning site-specific scale. It should be highlighted that a potential benefit or design element of green infrastructure is the provision of increased flood storage that can link with the enhancement of biodiversity as well as economic benefits.'</p>	Y
<b>RBBC/ Representation /0013 Environment Agency</b>	<p><b>Issue 67</b></p> <p>Green infrastructure also contributes to the reduction of water pollution, by exploiting the natural processes of sedimentation, filtration and biodegradation to remove pollutants. Increased surface permeability may also make a small contribution to recharge of groundwater supplies, helping to maintain water levels over the year and reduce the risk of drought over the summer months.</p>	<p>Agreed. New paragraph added at 7.32 stating: 'Green infrastructure also contributes to the reduction of water pollution, by exploiting the natural processes of sedimentation, filtration and biodegradation to remove pollutants. Increased surface permeability may also make a small contribution to recharge of groundwater supplies, helping to maintain water levels over the year and reduce the risk of drought over the summer months.'</p>	Y
<b>RBBC/ Representation /0025 Natural England</b>	Welcome the inclusion of Natural England's Climate Change Adaptation Manual 2 <sup>nd</sup> Edition (2020) is being referenced within the document.	Noted.	N

<b>RBBC/ Representation /0025 Natural England</b>	Support inclusion of Chapter 7 as it expands on a number of key areas that should be considered within any new development in future and which will help to address the issue of climate change.	Noted.	N
<b>RBBC/ Representation /0003 Reigate Architects</b>	<b>Issue 68</b> Green roofs should be required for petrol stations.	The draft SPD sets out a range of measures for improved environmental outcomes relating to targets and requirements set in policy, but it would be outside its remit to specify green roofs for any one type of development.	N
<b>RBBC/Repre sentation/0027 Consultee</b>	Support the inclusion of trees for shade in chapter 7.	Welcomed.	N
<b>RBBC/Repre sentation/0027 Consultee</b>	<b>Issue 69</b> Concern regarding ‘frigid’ shade and wind tunnel effects from buildings.	Noted. This is a design consideration and can be partially avoided by the use of canopies to reduce effects of wind.	N
<b>RBBC/ Representation /0006 Gatwick Airport Ltd</b>	<b>Issue 70</b> Concern over flocking birds (need for safety requirements) where fruit/berry species are included in landscaping schemes, and Corvids/Pigeons where there is concentrated tree-planting.	Agreed. Paragraph 7.45 of the draft SPD does include a requirement for care to be taken regarding this in the south of the borough close to the airport. However additional wording has been added to this regarding species and trees (and bird-attraction) as noted in the representation. Para now reads: ‘7.45 In the south of the borough close to the Gatwick flightpath careful consideration will be required where open water or certain types of green roofs/infrastructure, or tree-planting (which can attract Corvids and pigeons) are incorporated into the scheme as this could attract birds and	Y

		in so doing increase the risk of bird strikes. Where fruit/berry species are included, consideration should be had in regard to flocking birds. Nonetheless, most green roofs attract smaller birds that are lower risk to aircraft and, as such, a careful judgement needs to be made.'	
<b>RBBC/ Representation /0006 Gatwick Airport Ltd</b>	<b>Issue 71</b> Paragraph 7.45 (green roofs/water bodies) - Support current inclusion of safeguards re bird attractions and Gatwick flightpath.	Welcomed.	N
<b>RBBC/ Representation /0006 Gatwick Airport Ltd</b>	<b>Issue 72</b> Would like the reference in this paragraph widened out to 13km from the airport (with impacts dependent upon scale of roofs/water bodies and distance from airport).	With regard to green roofs we consider that widening out the area to 13km is unreasonable as it crosses into other districts and boroughs and would be unnecessary as ecological advice from Surrey Wildlife Trust suggests the birds attracted to green roofs are too small for bird-strikes.	N
<b>RBBC/ Representation /0006 Gatwick Airport Ltd</b>	Green walls, bat and bird boxes, and hibernaculas are not an issue - attract smaller species, etc.	Noted.	N
<b>RBBC/ Representation /0008 Surrey Wildlife Trust &amp; RBBC/ Representation /0019</b>	<b>Issue 73</b> Green roofs (paragraphs 6.26/7.45) - Issue of incompatibility with Gatwick's flightpath is over-played as bird-strike normally involves larger birds not attracted to green roofs.	Agreed. Although this is a balance between the advice of Gatwick safety representatives, and ecological advice regarding risk. Therefore, para 7.45 adjusted to reflect both and to require a sensible judgement. 'In the south of the borough close to the Gatwick flightpath careful consideration will be required where open water or certain types of green	Y

		roofs/infrastructure, or tree-planting (which can attract Corvids and pigeons) are incorporated into the scheme as this could attract birds and in so doing increase the risk of bird strikes. Where fruit/berry species are included, consideration should be had in regard to flocking birds. Nonetheless, most green roofs attract smaller birds that are lower risk to aircraft and, as such, a careful judgement needs to be made.'	
<b>RBBC/ Representation /0008 Surrey Wildlife Trust</b>	<b>Issue 74</b> Paragraphs 7.8/7.9 - Incorrect tree species listed as per local and native Paragraph 7.13 - Further incorrect/unsuitable tree references, included as suitable near car parks More local experience/intuition should be reflected in the list.	Agreed. The text has been amended to include the correct species, and local expertise.	Y
<b>RBBC/ Representation /0008 Surrey Wildlife Trust</b>	<b>Issue 75</b> Paragraph 7.12 - Clarification needed re meaning of 'animal' - re shading for animals (i.e. pets or other).	Agreed. Clarification has been included in the text.	Y
<b>RBBC/ Representation /0008 Surrey Wildlife Trust</b>	For general information regarding trees for Climate Change mitigation, see info - Surrey Nature Partnership position statement [link provided].	Noted.	N
<b>RBBC/ Representation /0008 Surrey Wildlife Trust</b>	<b>Issue 76</b> Paragraph 7.17 (wildlife habitats) - supports inclusion of reference to living walls/pillars/roofs, but notes these can't recreate whole ecosystems as seems to be suggested (needs re-wording).	Agreed. Wording has been amended to; 'The creation of habitats for nature can be provided through measures such as 'living' walls and roofs on buildings, as well as providing green usable spaces and improved air	Y

		quality. Maintenance should be very carefully considered and designed into schemes for living pillars.'	
<b>RBBC/Representation/0022</b>	<p><b>Issue 77</b></p> <p>7.17/18 Specific measures to support certain endangered species should be highlighted/introduced.</p> <p>Examples are:</p> <p>Swifts:  <a href="https://www.barratdevelopments.co.uk/media/media-releases/pr-2016/pr-02-09-2016">https://www.barratdevelopments.co.uk/media/media-releases/pr-2016/pr-02-09-2016</a></p> <p>Hedgehogs:  <a href="https://www.hedgehogstreet.org/development/">https://www.hedgehogstreet.org/development/</a></p> <p>Bats:  <a href="https://www.bats.org.uk/our-work/buildings-planning-and-development/bat-boxes">https://www.bats.org.uk/our-work/buildings-planning-and-development/bat-boxes</a></p>	Noted. A separate Biodiversity SPD is being prepared by the Council where such matters will be addressed.	N
<b>RBBC/Representation/0008 Surrey Wildlife Trust</b>	<p><b>Issue 78</b></p> <p>Para 7.30 - needs re-word per present, not future, tense re impacts of climate change of on species and habitats.</p>	The text at paragraph 7.30 already reflects current trends and pressures, whilst also looking ahead.	N
<b>RBBC/Representation/0008 Surrey Wildlife Trust</b>	<p><b>Issue 79</b></p> <p>Paragraph 7.38 - sense-check needed.</p>	Agreed Minor changes to 7.30: 'Flora and fauna may also be susceptible to changes in climate, and there is evidence that this is happening as a result of the rapid drying-out of wetlands, heathlands, and aquatic areas <sup>4</sup> '.	Y

<sup>4</sup>

Natural England Climate change, biodiversity and Nature-based Solutions

<b>RBBC/ Representation /0009 Tadworth &amp; Walton Residents Association</b>	<b>Issue 80</b> A permission should be required for all felling of trees over a certain size (perhaps Article 4).	This is outside the scope of this SPD but is managed through the use of Tree Preservation Orders. No change proposed.	N
<b>RBBC/ Representation /0009 Tadworth &amp; Walton Residents Association</b>	<b>Issue 81</b> Need for an update of TPO register/monitoring (and enforced).	Noted. This is outside the scope of this SPD.	N
<b>RBBC/ Representation /0009 Tadworth &amp; Walton Residents Association</b>	<b>Issue 82</b> Need for monitoring of tree-planting conditions.	Noted. Officers already check such conditions where resourcing allows.	N
<b>RBBC/ Representation /0009 Tadworth &amp; Walton Residents Association</b>	<b>Issue 83</b> Need for deep enough foundations to avoid subsidence close to trees, especially on clay.	Noted. Such matters are covered through building regulations.	N
<b>RBBC/ Representation /0009 Tadworth &amp; Walton Residents Association</b>	<b>Issue 84</b> A conflict noted: higher densities to save green/agricultural land, but having garden space to plant trees.	Noted – the need for green space/trees in residential areas, whilst making best use of land, and providing additional homes, is a wider issue for planning policy to address.	N
<b>RBBC/ Representation /0009 Tadworth &amp; Walton</b>	<b>Issue 85</b> Note Government statement - all new estate roads should include tree-planting - developers need to provide sufficiently wide	Noted. National Planning Policy Framework 2021 has been amended.	N

<b>Residents Association</b>	roads/verges, with tree-planting at close intervals.		
<b>RBBC/Representation /0011 Horley Town Council</b>	Support protection of landscape and biodiversity, and GI measures.	Welcomed.	N
<b>RBBC/Representation/0027 Consultee</b>	<b>Issue 86</b> Detailed designs can be assessed at Planning Application stage, but unless the concept is embedded at pre-application stages, and made clear to the developer, I assume that the design result cannot be controlled. Are you able to say whether R and B practice allows for such a dialogue? Does the council have the skills in house to assess the quality of a landscape design submission?	There is a pre-application process where such elements are discussed. The sustainability checklist contained in this SPD will form part of the discussions.	N
<b>RBBC/Representation/0027 Consultee</b>	<b>Issue 87</b> Could you require the applicant to reduce hard surfaced areas and get them to provide more soft landscaping? A typical example are the "Self storage facilities" and some supermarkets which seem to get planning permission in many UK towns without a requirement for trees in the car parks.	The SPD addresses requirements for soft landscaping and green infrastructure, and this is to amplify the requirements in DMP policies NHE4 and OSR2.	N
<b>RBBC/Representation/0027 Consultee</b>	<b>Issue 88</b> Concerns re felling of trees/ requirement for Tree Preservation Orders.	Noted. Tree preservation Orders are considered separately but retention of trees can form a condition with a planning application.	N
<b>RBBC/Representation/0027 Consultee</b>	<b>Issue 89</b> (a) The expansion of hardsurfaced areas in the countryside on farms and in other land areas (eg "horseyculture") and in land	Noted. There is some use of GIS and mapping systems to monitor the situation.	N

	<p>belonging to sports clubs, and private owners, without planning permission, for parking, storage of scaffolding, containers and the like, seems to be a constant and possibly increasing problem. As far as I am aware, such hardcore or gravelled or tarmacked / block paved areas are all deemed "engineering works" requiring planning permission. They tend to happen incrementally, over years in rural settings locally. This has an effect on climate change, changing the landscape from green to grey.</p> <p>Does Planning regularly monitor the borough via aerial photos (Google Satellite or Earth view) to look out for new areas, and expansion, and do you take enforcement action to stop them?'</p>		
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## Chapter 8: Water Resources

<b>RBBC/ Representations/0005 Thames Water; 0013 Environment Agency</b>	<p><b>Issue 90</b> The Environment Agency has designated Thames Water region as 'seriously water stressed', with future pressures: population growth/climate change.</p>	Agreed. Additional text to para 8.2: 'the Environment Agency has designated the Thames Water region, and the general area that encompasses Reigate & Banstead Borough, as 'seriously water stressed', and has identified the futures pressures of development and climate change. The Reigate & Banstead area is noted by the EA as having limited capacity for new development or abstraction.'	Y
<b>RBBC/ Representations/0005 Thames Water</b>	Support for the chapter.	Welcomed.	N

<b>RBBC/ Representation /0005 Thames Water</b>	Support for the water-consumption target of 110 litres per head, per day (for all residential permissions).	Welcomed.	N
<b>RBBC/ Representation /0013 Environment Agency</b>	Need for optimising of existing resources/development with highest level of water efficiency and stringent water-consumption targets	The document addresses these issues and incorporates water-efficiency standards (within the parameters of existing Local Plan policy).	N
<b>RBBC/ Representation /0005 Thames Water</b>	<b>Issue 91</b> Should also include the 105 litres per head per day plus 5 for gardens as per NPPG.	Agreed. This target has been included as an additional (non-binding) footnote 109 in regard to the NPPG. However, this target is not included within our policies, so cannot be required.	Y
<b>RBBC/ Representation /0005 Thames Water</b>	<b>Issue 92</b> BREEAM water efficiency standards for non-domestic re-developments.	Agreed. These standards have been referenced, as Core Strategy Policy CS11 requires all non-residential development to meet BREEAM 'very good'. Para 8.6 states: 'Developers will be required to meet the BREEAM standards for water-efficiency for all non-residential developments <sup>5</sup> '.	Y
<b>RBBC/ Representation /0005 Thames Water</b>	<b>Issue 93</b> Issues regarding sewer flooding away from flood-plains - therefore developers to include proper drainage to avoid draining to sewers.	Agreed. The draft SPD does include text regarding gutters/pipes suitable for heavy rainfall events, and requirements for permeable surfaces to allow water to soak away, and the issue is addressed re planning applications at 8.15 of the draft SPD. However, reference has been added to the main text, regarding	Y

<sup>5</sup> As per the requirements of Policy CS11 (1,b) that all non-residential development should meet BREEAM standard 'very good'.

		suitable drainage to avoid overwhelming sewers.	
<b>RBBC/ Representation /0005 Thames Water</b>	<b>Issue 94</b> Importance/general benefits of SuDS for limiting water drainage to the sewer networks, and for water quality; benefits to landscape and wildlife; and for amenity...	Agreed. The SPD does relate flood-risk and the implementation of SuDS and addresses the benefits of SuDS for this and other issues under the planning applications section in the draft at 8.15.  Para 8.14 amended to; 'Suitable drainage, for additional rainfall will need, and for prevention of sewer flooding elsewhere, will to have been considered.'	Y
<b>RBBC/ Representation /0005 Thames Water</b>	<b>Issue 95</b> Include reference to Lead Local Flood Authority (LLFA) to confirm suitability of SuDS	Agreed. Following text included at 8.16: 'The lead local flood authority (LLFA) should confirm the suitability of any SuDS schemes presented as part of schemes.'	Y
<b>RBBC/ Representation /0005 Thames Water</b>	<b>Issue 96</b> Provision of a statement on how the water standard will be achieved should be provided.	Noted. The draft SPD contains this requirement at paragraph 8.14, regarding planning applications.	N
<b>RBBC/ Representation /0013 Environment Agency</b>	<b>Issue 97</b> Recommend inclusion of reference to the Water Framework Directive (WFD) objectives. They also noted the multiple benefits of holistic water management interventions, including reducing flood-risk.	Agreed. Text added to 7.27: The government's Environment Plan (2018) <sup>6</sup> promotes a move toward natural flood-risk management. This is rooted in the Water Framework Directive which seeks to prevent deterioration of the water environment and improve water quality by	Y

<sup>6</sup>

<https://www.gov.uk/government/publications/25-year-environment-plan>

		managing water in natural river basin districts.	
<b>RBBC/ Representation /0013 Environment Agency</b>	The River Mole partnership is jointly hosted by the Surrey Wildlife Trust and The South East Rivers Trust. The steering group includes the Environment Agency, Natural England, Surrey County Council, district councils, Countryside Partnerships, Thames Water, Sutton and East Surrey Water and Sussex Wildlife Trust. The wider partnership is made up of a number of interested organisations, local community groups and landowners.	Noted.	N
<b>Representation /0013 Environment Agency</b>	<p><b>Contribution to environmental outcomes for 2021</b></p> <ul style="list-style-type: none"> <li>• Greater fish passage on the lower section of the Pipp Brook, a tributary of the Mole, funded by the Catchment Partnership Action Fund will improve the fish status of the water body.</li> <li>• East Surrey Rivers Project includes a series of tasks on the Redhill Brook to improve fish passage and habitat. This is funded by the Environment Agency.</li> <li>• Creation of wetland habitat at Ashtead Rye Meadows to improve habitat diversity and flood protection</li> </ul>	Noted.	N
<b>Representation /0013 Environment Agency</b>	<p><b>Groundwater contamination</b></p> <p>It is recommended that the requirements of the National Planning Policy Framework (NPPF) are followed. Paragraph 170 of the NPPF states that the planning system should contribute to and enhance the natural and local environment by preventing both new and existing</p>	Noted.	N

	<p>development from contributing to or being put at unacceptable risk from or being adversely affected by unacceptable levels water pollution. Therefore, in completing any site investigations and risk assessments the masterplan should assess the risk to groundwater and surface waters from contamination which may be present and where necessary propose appropriate remediation.</p> <p>Provisions for both foul and surface water drainage should also be considered at an early stage to insure suitability/acceptability of proposals. Proposals must ensure overlapping issues with regard to contamination and drainage are properly understood in design and constraints for the development and topics are not addressed in isolation.</p>		
<b>Representation /0013 Environment Agency</b>	<p><b>Issue 98</b></p> <p>We recommend that the SPD:</p> <ul style="list-style-type: none"> <li>•Refers to the Environment Agency Land Contamination: Risk Assessment guidance, which is based on the Model Procedures for the Management of Land Contamination (CLR 11). Now known as Land Contamination Risk Management (LCRM);</li> <li>•Uses BS 10175:2011+A2:2017, Investigation of potentially contaminated sites – Code of Practice as a guide to undertaking the desk study and site investigation scheme;</li> <li>•Uses MCERTS accredited methods for testing</li> </ul>	<p>Noted. It is considered that this recommendation is going beyond the remit of the SPD and would need to be taken into consideration for the next local plan review.</p>	N

	contaminated soils at the identified sites.		
<b>Representation /0013 Environment Agency</b>	<b>Issue 99</b> Include link to EA Guidance for developers: <a href="https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals">https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals</a>	Agreed. Text inserted into para 7.31: Further advice for developers from the Environment Agency can be found at: <a href="https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals">https://www.gov.uk/guidance/developers-get-environmental-advice-on-your-planning-proposals.</a>	Y
<b>RBBC/ Representation /0006 Gatwick Airport Ltd</b>	<b>Issue 100</b> Paragraph 8.15 (SuDS) – need for inclusion of aerodrome safeguarding information in relation to SuDS and bird attraction.	Agreed. Following text added: ‘However all SuDS schemes in the proximity of an aerodrome, and in particular Gatwick Airport, should be carefully designed with regard to the risk of attracting birds, and bird-strike risk for aviation.’	Y
<b>RBBC/ Representation /0009 Tadworth &amp; Walton Residents Association</b>	<b>Issue 101</b> Mandatory water metering should be included.	This SPD can only expand upon existing Local Plan policy. As Reigate and Banstead Borough has been designated as a high water stress area under the terms of the Water Act 1991, the water companies already have powers to compulsorily require water meters on all properties.	N
<b>RBBC/ Representation /0011 Horley Town Council</b>	Support for efficient use of water.	Welcomed.	N
<b>RBBC/ Representation /0011 Horley Town Council</b>	Support flood mitigation measures.	Welcomed.	N

<b>RBBC/Representation/0020 Banstead &amp; District Federation of Residents' Associations &amp; RBBC/Representation/0017</b>	<p><b>Issue 102</b></p> <p>Para 8.8 Grey water is not advisable for use in the garden if, as in the case of bath water, additives such as bath salts, oils or bubbles have been added to the water.</p>	<p>Noted. Footnote and clarification added.</p> <p>The Royal Horticulture Society advice (at <a href="https://www.rhs.org.uk/science/gardening-in-a-changing-world/water-use-in-gardens/using-grey-water">https://www.rhs.org.uk/science/gardening-in-a-changing-world/water-use-in-gardens/using-grey-water</a>) is 'Plants can be watered with shower, bath, kitchen and washing machine water (from rinse cycles), collectively referred to as 'grey' water. It varies in quality and may contain contaminants such as soap and detergent. Fortunately, soil and potting compost are effective at filtering them out, and the residues can sometimes act as a mild fertilizer.'</p>	Y
<b>RBBC/Representation/0019</b>	<p><b>Issue 103</b></p> <p>Block Paving being installed in the existing housing &amp; commercial building stock should require planning consent and be signed off by a building inspector. Provision should be made for either capture or soakaway. Proof of completion required when properties are sold.</p>	<p>Permeability of paving as part of a new development is already subject to building regulations and inspection. There are already existing building regulations with regard to site drainage.</p>	N
<b>RBBC/Representation/0019</b>	<p><b>Issue 104</b></p> <p>Capture and storage of rainwater should be a requirement for all new developments, as should be the inclusion in the build of grey water circuits to toilets, outside taps and washing machines.</p>	<p>Policy CCF 1 sets the amount of water that can be used per home per day. How this is achieved is subject to the applicant and local site conditions. Compulsory application would require changes in the Building Regulations.</p>	N

RBBC/Representation/0018 Raven Housing	<p><b>Issue 105</b></p> <p>Include mention on how off-site, modern methods of construction can significantly reduce the amount of water used in construction.</p>	<p>Noted. Additional wording added: '10.22 Construction companies working in the borough are encouraged to follow best practice or preferably become registered in such schemes. Modern forms of prefabricated construction are supported as they can be a highly efficient way of construction, consume less water, facilitate the reduction of embodied carbon and can reduce carbon emissions.'</p>	Y
<b>Chapter 9</b>			
RBBC/ Representation/ 0008 <b>Surrey Wildlife Trust</b>	<p><b>Issue 106</b></p> <p>Paragraph 9.8 - Retrofit for energy efficiency can cause problems for 'synanthropic' wildlife through elimination of building features used by this sort of wildlife (such as roof-nesting birds and roosting bats) - need for the use of bespoke bricks/other structures in the built environment therefore (also for new build).</p>	<p>This matter is more relevant for consideration in a separate SPD on biodiversity currently being prepared.</p>	N
RBBC/ Representation/ 0009 <b>Tadworth &amp; Walton Residents Association</b>	<p><b>Issue 107</b></p> <p>Greater flexibility in conservation areas/listed buildings needed (without harm to the character of the areas).</p>	<p>The document does attempt to balance the need for environmental improvements with the protection of the historic environment, hence the inclusion of Chapter 9, which has been prepared with the conservation officer.</p>	N
RBBC/ Representation/ 0010 <b>SCC, Principal Planning Officer</b>	<p><b>Issue 108</b></p> <p>Embodyed carbon/not-demolishing - more sustainable (discussed as chapter 10) - Can include this principle to the historic buildings section.</p>	<p>This principle (restoration and re-use) is included within the general sustainable construction section (Chapter 10, which includes significant coverage of the re-use of materials and buildings) and therefore does not need to be included in this section,</p>	N

		whose aim is to understand how historic assets can be preserved/improved regarding energy-efficiency anyway, albeit in a sensitive manner.	
<b>RBBC/ Representation /0010 SCC, Principal Planning Officer</b>	<b>Issue 109</b> Need to be mindful of the setting of designated sites/monuments regarding wind turbines/solar panels banks - need for heritage statements and HE/SCC (Historic Environment Planning), etc consultations, for larger proposals.	Agreed. Following text included at 9.20: 'For larger proposals, including solar arrays and wind turbines, it may be necessary to consult Historic England and/or SCC Historic Environment Planning and provide a heritage statement. Permission may also be required for the installation of other types of renewables, including external facilities for air source heat pumps.'	Y
<b>RBBC/ Representation /0010 SCC, Principal Planning Officer</b>	<b>Issue 110</b> Any works that involve ground disturbance that occur within designated Areas of High Archaeological Potential would require a formal permission.	Agreed. Following text added to 9.21: 'Within a designated Area of High Archaeological Potential (AHAP), any ground disturbance caused by renewable technologies would require a formal permission.'	Y
<b>RBBC/ Representation /0012 Historic England</b>	Historic England's has no specific comments to make on the SPD as it deals with matters largely beyond its remit. Links supplied to research papers on the historic environment and climate change.	Noted. These papers were used to inform the chapter.	N
<b>Chapter 10: Sustainable Construction</b>			
<b>RBBC/ Representation</b>	<b>Potential for the inclusion of advice regarding modern</b>	Whilst modern methods of construction have been	Y

/0018 Raven Housing	<b>methods of construction to reduce embodied carbon.</b>	included in 10.18 and Footnote 116 and the RICS paper on the subject has been added further advice is considered to be going beyond the introduction this SPD provides.	
RBBC/ Representation /0003 Reigate Architects	<b>Issue 111</b> Need to make a stronger point regarding the re-use of buildings before replacement (energy used during demolition).	The SPD does include a recommendation for recycling of buildings where possible, but this should not be strengthened further, given that it is not always appropriate. Some buildings contain materials that have reached the end of their designed purpose.	N
RBBC/ Representation /0006 Gatwick Airport Ltd	<b>Issue 112</b> Construction Management (paragraph 10.25) - issues noted in regard to crane heights/further info.	Issues in respect of crane heights and other construction management areas, in relation to aerodrome safeguarding are outside the remit of this SPD, which is to amplify policy in regard to climate/sustainability issues.	N
RBBC/ Representation /0010 SCC, Principal Planning Officer	Support for the principles of embodied energy (principle of avoiding demolition).	Welcomed.	N
Representation /0013 Environment Agency	<b>Issue 113</b> Waste planning has a role to play in delivering objectives including reducing greenhouse gas emissions, the better management of resources and protecting the environment. Waste planning can also contribute to wider economic development and growth. Waste management facilities have the potential to pollute the environment through emissions to air, releases to ground and surface water and leaving a	Noted. Surrey County Council are preparing a new Minerals and Waste Plan which will inform the future Local Plan review	N

	legacy of contaminated land. Waste Local Plans can help prevent this by making sure that sites for waste facilities are located and designed to minimise their impact.		
<b>RBBC/Representation /0010 SCC, Principal Planning Officer</b>	Support references to SCC waste plan.	Welcomed.	N
<b>RBBC/Representation /0010 SCC, Principal Planning Officer</b>	<b>Issue 114</b> Would like reference to Surrey Minerals Plan.	Agreed. Additional text on the Surrey Minerals Plan 2011 and its role in sustainable development has been added to Chapter 2.	Y
<b>RBBC/Representation /0011 Horley Town Council</b>	Support waste reduction measures.	Welcomed.	N
<b>RBBC/Representation/0020 Banstead &amp; District Federation of Residents' Associations</b>	Support for proposals.	Welcomed.	N
<b>RBBC/Representation/0022</b>	<b>Issue 115</b> 10.9 - Presently only mentions demolition of existing buildings. Paragraph needs to also encourage a closed loop building approach where buildings are designed for disassembly/deconstruction and reuse.	Whilst this is a sensible proposal, such examples are extremely rare, and the SPD is seeking to respond to current circumstances.	N
<b>RBBC/Representation/0018 Raven Housing</b>	<b>Issue 116</b> 10.16 Reducing embodied carbon. Align focus with that of	This goes beyond the remit of this SPD as it is limited to existing planning policies.	N

	the Committee on Climate Change report (Feb 2019).		
RBBC/Representation/0019	<p><b>Issue 117</b>  An estimate of embodied carbon for new developments should be submitted as part of the design proposal, including all materials used for the build, including waste disposed of.</p> <p>This should be judged against an energy consumption projection for the buildings in use, as well as their projected life span &amp; maintenance requirement (much as you would do for buying a car).</p>	<p>During the preparation of the SPD, the issue of embodied carbon was carefully considered. It was concluded that extensive specialist knowledge was needed which is limited at present particularly if the entire product lifecycle, including transport, disposal and the building's lifespan was considered. We consider this is an area government should lead on.</p>	N
RBBC/Representation/0022	<p><b>Issue 118</b>  10.22 Typo?</p>	Repaired.	Y
RBBC/Representation/0014	<p><b>Issue 119</b>  Inclusion of swift bricks or houses should be considered.</p>	<p>Noted. These types of measures will be considered for inclusion in the Council's forthcoming Biodiversity SPD, which is currently being prepared.</p>	N
RBBC/Representation/0017	As far as I am concerned the proposals are good. Those with more expertise might feel further specialist advice is needed.	Noted.	N
RBBC/Representation/0009 Tadworth & Walton Residents Association	<p><b>Issue 120</b>  Mention should be made to fire risk and avoiding the use of flammable materials as they can release CO2 emissions and other dangerous pollutants.</p>	<p>Noted. Separate Fire Statements are now required with larger planning applications.</p>	N
<b>Sustainability Checklist</b>			
RBBC/Representation/0009	<p><b>Issue 121</b>  The Sustainability Checklist - should accompany all planning applications.</p>	<p>Agreed. The Checklist will be required to be completed as part of the Development Control validation process.</p>	N

Tadworth & Walton Residents Association			
<b>Other</b>			
RBBC/Representation /0003 Reigate Architects	<b>Issue 122</b> Sustainable masterplans should be produced for all important sites, with development compliance.	This is beyond the remit of this SPD. Large-scale developments are normally subject to Master planning and Environmental Impact Assessments.	N
RBBC/Representation /0003 Reigate Architects	<b>Issue 123</b> Need for resources/re-cycle centres.	Provision of resources, including recycling centres, is beyond of the remit of this SPD, and is part of minerals and waste planning.	N
RBBC/Representation /0006 Gatwick Airport Ltd	Further References suggested including: Airport Operators Association (AOA) Advice Note 5 'Renewable Energy & Impacts on Aviation', available at <a href="https://www.aoa.org.uk/policy-campaigns/operations-safety/">https://www.aoa.org.uk/policy-campaigns/operations-safety/</a>  Airport Operators Association (AOA) Advice Note 3 'Wildlife Hazards Around Aerodromes', available at <a href="https://www.aoa.org.uk/policy-campaigns/operations-safety/">https://www.aoa.org.uk/policy-campaigns/operations-safety/</a>  and 'Guidance to Crane users on Aviation Lighting & Notifications' available at <a href="http://www.caa.co.uk">www.caa.co.uk</a>	Noted. First two references included as footnotes. The Noted. Crane advice is considered beyond the remit of this SPD.	Y
RBBC/Representation /0009 Tadworth & Walton Residents Association	<b>Issue 124</b> Need for local targets, e.g. for noise/pollution.	This document can only enhance/provide guidance for existing local plan policy. It cannot set new targets.	N

<b>RBBC/ Representation /0017 Consultee</b>	<b>Issue 125</b> Concern about carbon emissions, increased energy needs and environmental impacts of proposed crematorium in the borough, the consideration of alternative green options and the approach the council has adopted.	The planning application for the crematorium is a matter for Development Management based upon existing policy and material considerations. The outcome of that application is outside the remit of this SPD consultation.	N
<b>RBBC/ Representation /0021 Consultee</b>	No comments.	Noted.	N
<b>RBBC/ Representation /0023 Consultee West Sussex</b>	No comments.	Noted.	N
<b>RBBC/ Representation /0024 Consultee Transport for London</b>	No comments.	Noted.	N
<b>RBBC/ Representation /0002 Exolum Pipeline System Ltd</b>	Pipeline diagram supplied.	Noted.	N

## Appendix 2: Individuals and organisations consulted on the draft Local Character and Distinctiveness Design Guide SPD under Regulations 12 and 13

Specific Consultees	Specific Consultees
(aq) Limited	Marine Management Organisation

<b>Specific Consultees</b>	<b>Specific Consultees</b>
Adur & Worthing Councils	Mayor of London (Senior Strategic Planner)
Affiniti Integrated Solutions Limited	Mid Sussex District Council
Airband Community Internet Limited	MLL Telecom Ltd
Airwave Solutions Limited	Mobile Broadband Network Limited
Aqua Comms	Mole Valley District Council
Arqiva Communications Ltd	Mono Consultants
Arqiva Limited	MS3 Networks Ltd
Arqiva Services Limited	My Fibre Limited
Arun District Council	National Grid (Avison Young)
AT&T Global Network Services (UK) B.V.	NATS (En Route) PLC
Atlas Communications NI Limited	Natural England
Atlas Tower Group Limited	Natural England Sussex & Surrey Team
B4B Networks Ltd	Neos Networks Ltd
Betchworth Parish Council	Network Rail (town planning)
Bletchingley Parish Council	Newdigate Parish Council
Bolt Pro Tem Limited	NextGenAccess Ltd.
Boundless Networks Ltd	NHS Crawley Clinical Commissioning Group (CCG)
Box Broadband Limited	NHS England

Specific Consultees	Specific Consultees
Brighton & Hove City Council	NHS England and NHS Improvement South East
Britaniacrest Recycling	NHS Property Services
Britannia Towers II Ltd	Nutfield Parish Council
British Gas	NWP Street Ltd
British Telecom	Office of Rail and Road
British Telecommunications plc	Open Fibre Networks Limited (formerly Independent Next Generation Networks Limited)
Broadband for the Rural North Limited	Open Network Systems Limited
Broadway Partners Limited	Orange Personal Communication Services Ltd
Buckland Parish Council	Outwood Parish Council
Burstow Parish Council	PCCW Global Networks (UK) Plc
Call Flow Solutions Limited	Quickline Communications Limited
Cambridge Fibre Networks Limited	Ranston Farm Partnership
Central North Sea Fibre Telecommunications Company Limited	Runnymede Borough Council
CenturyLink Communications UK Limited	Salfords & Sidlow Parish Council
Chaldon Parish Council	Scotia Gas Network (SGN)
Charlwood Parish Council	SES Water
CityFibre Metro Networks Limited	Sevenoaks District Council

<b>Specific Consultees</b>	<b>Specific Consultees</b>
CityLink Telecommunications Limited	Severn Trent Retail Services Limited
Civil Aviation Authority	SGN
CLH Pipeline System Ltd	Sitec Infrastructure Services Ltd
Coast 2 Capital	Sky Telecommunications Services Limited
Coast to Capital	Sky UK Limited
Cogent Communications UK Ltd	Solway Communications Limited
COLT Technology Services	Southern Electric
Communications Infrastructure Networks Limited	Southern Gas Network
Concept Solutions People Ltd	Southern Water
Cornerstone Telecommunications Infrastructure Limited	Spelthorne Borough Council
County Broadband Limited	Sprintlink UK Ltd
Crawley Borough Council	Spyder Facilities Limited
Crawley CCG	SSE Telecommunications Limited
Development Planning Manager, Developer Services, Thames Water	Subtopia Limited
EE Limited	Surrey and Sussex NHS Trust
Eircom UK Ltd	Surrey CC (Minerals & Waste Planning)
Elmbridge Borough Council	Surrey CC Planning Consultation
Energis Communications Ltd	Surrey Heath Borough Council

Specific Consultees	Specific Consultees
Environment Agency	Surrey Wildlife Trust
Epsom & Ewell Borough Council	Sussex and Surrey Police
EU Networks Fiber UK Limited	Sussex Wildlife Trust
euNetworks Fiber UK Ltd	TalkTalk Communications Limited
FibreSpeed Limited	Tandridge District Council
Fibrowave Networks	Tata Communications (UK) Limited
FLAG Atlantic UK Limited	Telecommunications Wireless and Infrastructure Services Limited
Flood Risk & Network Resilience Assistant - Surrey County Council	Telefonica UK Limited
Fujitsu Services Limited	Telensa Ltd.
Full Fibre Limited	Telent Technology Services Limited
G. Network Communications Limited	Telewest Limited
Gamma Telecom Holdings Ltd	TeliaSonera International Carrier UK Limited
Gas Transportation Company (GTC)	Thames Water Planning Policy
Gatwick Diamond Initiative	Thames Water Utilities Ltd
Gatwick Greenspace Partnership	The Coal Authority
Gigaclear Plc	The Wireless Asset Company Limited
Glide Business Limited (formerly WarwickNet Limited)	The Wireless Infrastructure Company Limited
Government Pipeline & Storage System (GPSS)	Three

Specific Consultees	Specific Consultees
Greater London Authority	Thus plc
GTT Communications	TIBUS (trading as The Internet Business Limited)
Guildford Borough Council	Timico Partner Services Limited
Harlequin Group Ltd	Tiscali UK Limited
Head of Primary Care - Surrey Heartlands CCG	toob Limited
Headley Parish Council	Transport for London
Highways England	Transport for the South East
Highways England (Spatial & Development Control Queries)	Truespeed Communications Ltd.
Historic England	UK Broadband Limited
Historic England South East - Consultations	UK Power Network
Homes England	Ulstercom Ltd
Horley Town Council	Urban Innovation Company (UIC) Limited, (formerly Euro Payphone Ltd)
Horsham District Council	Verizon UK Ltd
Hutchison 3G UK Limited	Virgin Media Limited
Hyperoptic Ltd	Virgin Media Wholesale Limited
In Focus Public Networks Ltd	Vodafone and O2, EMF Enquiries
InTechnology Smart Cities Limited (formerly InTechnology WiFi Limited)	Vodafone Enterprise UK (formerly Cable & Wireless UK)

Specific Consultees	Specific Consultees
Integrated Digital Services Limited	Vodafone Limited
Internet Central Ltd	Vodafone Limited - Environmental and Planning Manager
Internet Connections Limited	Voneus Limited
Interoute Communications Limited	Waldon Telecom Ltd.
IPM Communications PLC	Waverley Borough Council
ITS Technology Group Limited	Wealden District Council
IX Wireless Limited	West Sussex County Council - Planning Policy
KCOM Group Plc	WHP Telecoms Limited
Lancaster University Network Services Limited	Wifinity Limited
Leigh Parish Council	Wightfibre Limited
Lightning Fibre Limited	Wildcard UK Limited
Local Plans South - NHS Property Services Ltd	Woking Borough Council
London Borough of Croydon	WPD Telecoms Limited (formerly Surf Telecoms Limited)
London Borough of Sutton	Zayo Group UK Limited
Lothian Broadband Networks Limited	Zzoomm PLC

## General Consultees

Residents, businesses, registered providers and developers on the Council's Planning Policy Consultation



# **Climate Change and Sustainable Construction Supplementary Planning Document (SPD)**

## **Strategic Environmental Assessment and Habitats Regulations Assessment Screening Statement**

February 2021

Appendix 3

## Executive Summary

This screening statement considers whether a Strategic Environmental Assessment and / or full Habitats Regulation Assessment is required to be produced to accompany the Climate Change and Sustainable Construction Supplementary Planning Document (SPD).

The screening concludes that a SEA is not required for the SPD. It also concludes that the SPD listed would not need to be subject to full Appropriate Assessment under the Habitats Regulations Assessment.

## 1. Introduction

- 1.1 Reigate & Banstead Borough Council is preparing a Climate Change and Sustainable Construction Supplementary Planning Document (SPD) to inform new development in the borough on how to adapt to climate change, achieve other sustainability objectives and to support the Government's target of achieving zero carbon emissions by 2050.
- 1.2 This SPD will provide additional guidance to support implementation of policies in the Council's adopted Local Plan: Core Strategy (adopted 2014, reviewed 2019) and Development Management Plan (adopted 2019). Upon adoption, the SPD will be a material consideration in planning determinations in the borough.
- 1.3 The 2004 Planning and Compulsory Purchase Act and associated Regulations made all local development documents subject to Sustainability Appraisal, which met the requirements of Strategic Environmental Assessment (SEA) as defined by the EU Directive 2001/42/EC. The 2008 Planning Act removed the requirement for SPDs to be subject to Sustainability Appraisal and, as such, the Council does not propose to carry out a sustainability appraisal of the SPD.
- 1.4 The requirement for local planning authorities to carry out a SEA of relevant plans and programmes before adoption is set out in the Environmental Assessment of Plans and Programmes Regulations 2004.
- 1.5 However, there are exceptions to this and, in most cases, SPDs do not require SEA. This is acknowledged in the Planning Practice Guidance (PPG)<sup>1</sup>, which sets out that "*supplementary planning documents do not require a sustainability appraisal but may in exceptional circumstances require a strategic environmental assessment if they are likely to have significant environmental effects that have not already been assessed during the preparation of the relevant strategic policies*". Ultimately, it is the responsibility of the local planning authority to assess whether the plan is likely to have significant effects on the environment and make these conclusions public.
- 1.6 In addition, Article 6 of the Habitats Directive (as transposed into UK law by the Conservation of Habitats and Species Regulations 2017 ("the Habitats Regulations 2017) requires an assessment of the implications of a plan, both individually and in

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<sup>1</sup> PPG Strategic environmental assessment and sustainability appraisal Paragraph: 008 Reference ID:11-008-20140306

combination with other plans or projects, on designated ‘Natura 2000’ sites<sup>2</sup>. If it is determined that a plan or project is likely to have a significant effect on these protected sites, an Appropriate Assessment should be undertaken.

- 1.7 The Council therefore prepared a draft Screening Statement to determine whether the proposed Climate Change and Sustainable Construction SPD should be subject to a SEA and/or Habitats Regulations Assessment (HRA)/Appropriate Assessment.

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<sup>2</sup> Including Special Protection Areas (SPAs), Special Areas of Conservation (SACs) and Ramsar sites (which are treated as Natura 2000 sites)

## 2. Scope of the SPD under preparation

- 2.1 The paragraphs below summarise the purpose, scope and intended content of the Climate Change and Sustainable Construction SPD under preparation which is the subject of this SEA/ HRA Screening Report.
- 2.2 It should be noted that the document will not contain any new policies, proposals or site allocations. Nor will it influence or alter the scale or spatial distribution of development across the borough which is already established through the Core Strategy.

### Climate Change and Sustainable Construction SPD

- 2.3 The purpose of the Climate Change and Sustainable Construction SPD is to supplement specific policies in the Reigate and Banstead Local Plan Core Strategy (2014, reviewed 2019) and Development Management Plan (DMP) (2019).
- 2.4 The SPD will assist new development to be adaptable to the impacts of climate change and promote sustainable construction and design processes to reduce energy use, waste, pollution, and carbon/greenhouse gas emissions. It will aid landowners, developers, applicants and decision makers in supporting the national ambition of Net Zero Carbon emissions by 2050. In synergy with these objectives, it will also touch upon the development of places to enable healthier lifestyles and homes that are fit for purpose.
- 2.5 Included in the SPD will be guidance on site layout, building design, energy saving measures, sustainable energy sources including renewables and use of local power networks, and infrastructure to support ultra-low emission vehicles. It will provide guidance on how green infrastructure and local ecology networks can be enhanced whilst adapting to climate change, and water conservation in new developments. It will not cover in detail flood mitigation and sustainable urban drainage systems as these are covered by existing guidance. Elements of the advice will extend to respecting the

historic environment. On sustainable construction, the SPD will include guidance on demolition protocols, material selection and reuse, and advice on reducing embodied carbon emissions. Specifically, the SPD will provide further detailed advice and guidance in relation to the following adopted Core Strategy and DMP policies:

<b>Core Strategy Policies</b>	
CS10	Sustainable Development
CS11	Sustainable Construction
CS17	Travel Options and Accessibility

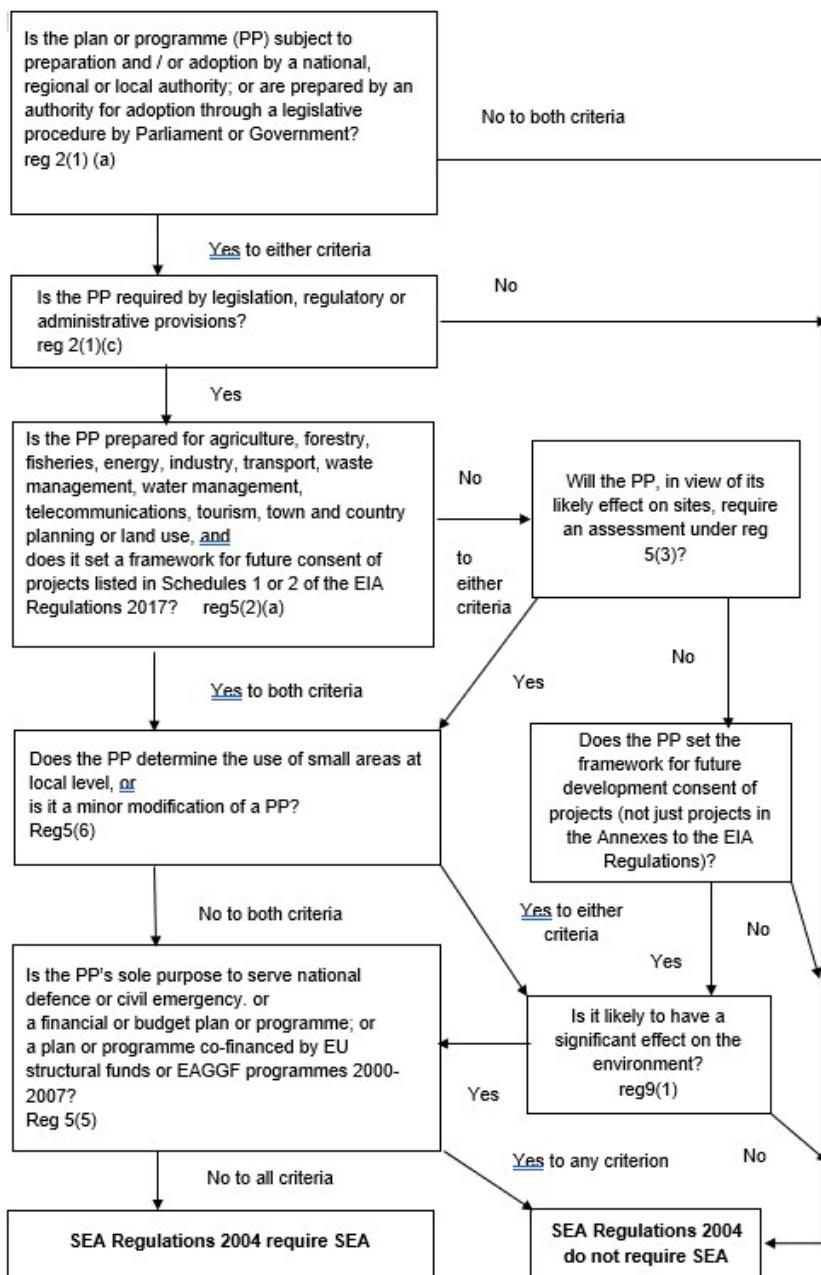
<b>Development Management Plan Policies</b>	
CCF1	Climate Change Mitigation
DES1	Design of New Development
DES5	Delivering High Quality Homes
DES8	Construction Management
NHE4	Green and Blue Infrastructure
NHE5	Heritage Assets
TAP1	Access, Parking and Servicing

### 3. Strategic Environmental Assessment (SEA)

- 3.1 As discussed in the Introduction above, SEA is required for certain categories of plans and programmes where they are determined to be likely to have significant environmental impacts.
- 3.2 Regarding SPDs, the PPG indicates that SEA will normally only be required in exceptional circumstances. The Council must therefore determine, on a case by case basis, whether SEA is required for the SPD being prepared. This is referred to as a screening process.
- 3.3 As part of this, the Council must first determine whether the SPD is a “plan or programme” covered by Article 3(3) and 3(4). If it determines that it is, then the Council must carry out a screening to establish whether SEA is required. This will depend on its potential to result in significant environmental effects.
- 3.4 In deciding whether significant environmental effects are likely, the Council must take into account the criteria in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004, and to consult the specified Consultation Bodies. This process is summarised in **Figure 1** below which is drawn from guidance issued by the ODPM in 2005.
- 3.5 The Council’s assessments of the SPD against Schedule 1 criteria is set out in **Table 1** below.
- 3.6 This Screening Report covers:
  - a. An assessment of whether the SPD is covered by Article 3(3) and Article 3(4)
  - b. An appraisal of the SPD takes account of the criteria in Schedule 1 of the Environmental Assessment of Plans and Programmes Regulations 2004
- 3.7 The three consultation bodies (Historic England, Environment Agency and Natural England) were consulted to determine whether they agreed with the conclusion of this report, in determining whether the SPD has a “significant environmental effect” and required a SEA. They all agreed that the agreed that a SEA was not required. These responses are attached in the Appendices below.
- 3.8 At time of preparing the initial screening, the UK was scheduled to leave the European Union in January 2021. The Environment Bill (currently going through Parliament) does not contain reference to Sustainable Environmental Assessments, but the government remains committed to the sustainability agenda. The White Paper:

Planning for the Future (August 2020) includes an ambition of streamlining the Sustainability Appraisal Process. Other than changes to the consultation requirements during the Covid pandemic, published on 31 December 2020, no further guidance has been received from Government. Potentially a consultation on further changes to the process are due from Government. In the event of new guidance prior to adoption, this document will be amended accordingly.

**Figure 1 The Application of the SEA Regulations 2004 to Plans and Programmes**



Based on ODPM (2005) A Practical Guide to the Strategic Environmental Assessment Directive

## **Screening Assessment for Climate Change and Sustainable Construction SPD**

The SPD is considered to be a plan or programme covered by Articles 3(3) and 3(4)

SCHEDULE 1 – Regulations 9(2)(a) and 10(4)(a)

CRITERIA FOR DETERMINING THE LIKELY SIGNIFICANT EFFECTS ON THE ENVIRONMENT

**Table 1 The Characteristics of the Plans and the Programmes**

<b>SEA Directive Criteria</b>	<b>Response</b>
1a) The degree to which the plan or programme sets a framework for projects and other activities, either with regard to the location, nature, size and operating conditions or by allocating resources.	The SPD will not set a framework for other projects or activities. It will provide additional guidance on existing policies within the Local Plan, including Core Strategy (CS10, CS11 and CS17) and DMP (CCF1, DES1, DES5, DES8, NHE4, NHE9 and TAP1) that have been subject to SEA (concluding no significant effects expected).
1b) The degree to which the plan or programme influences other plans and programmes including those in a hierarchy.	The Core Strategy and DMP provide the adopted policies to which the SPD will supplement. The SPD will only be able to expand and provide more guidance on the policies within the Local Plan. It will not introduce new policy. The SPD will be at the bottom of the hierarchy and will have no influence on the documents above it.
1c) The relevance of the plan or programme for the integration of environmental considerations in particular with a view to promoting sustainable development.	The SPD will contribute to sustainable development by providing more detail and guidance to support Local Plan policies, most notably CS10, CS11 and CS17 in the Core Strategy and CCF1, DES1, DES5, DES8, NHE4, NHE9 and TAP1 in the DMP. The aim of the SPD is to support measures which will enable development to mitigate the impacts of climate change, reduce carbon and other harmful emissions, and reduce waste.

<b>SEA Directive Criteria</b>	<b>Response</b>
1d) Environmental problems relevant to the plan or programme.	The policies within the Local Plan that the SPD supplements are not expected to have any likely significant detrimental effects on the environment. Indeed, the SPD will be providing guidance which will seek to improve environmental quality.
1e) The relevance of the plan or programme for the implementation of Community legislation on the environment (e.g. plans and programmes linked to waste management or water protection).	<p>The SPD will help support the implementation of the Local Plan which in itself is contributing or responding to EU based legislation including:</p> <p>EU Directive 2009/28/EC Energy produced from renewable energy sources</p> <p>EU Directive 2018/844/EU Energy Performance of Buildings</p> <p>EU Directive 2008/98/EC Waste framework directive</p> <p>Commission of the European Communities (2007) Limiting Global Climate Change to two degrees Celsius: The way ahead for 2020 and beyond</p> <p>The Climate Change Act 2008</p> <p>The Climate Change Act 2008 (2050 Target Amendment) Order 2019</p>

**Table 2 The Characteristics of the effects and of the area likely to be affected**

<b>SEA Directive Criteria</b>	<b>Response</b>
2a) The probability, duration, frequency and reversibility of the effects.	The SPD provides guidance aimed at avoiding or mitigating the negative impact which new developments could have on the environment and encouraging positive change and benefits. It supports delivery of policies within the Local Plan which have already been subject to SA/SEA.
2b) The cumulative nature of the effects.	The Local Plan SA/SEA expects overall positive impacts to arise from Core Strategy policies CS10, CS11 and CS17 and DMP Policies CCF1, DES1, DES5, DES8, NHE4, NHE9 and TAP1. The benefits of these will increase as they are applied to more planning applications.
2c) The trans boundary nature of the effects.	The SPD will be local to Reigate & Banstead and only indirect effects are expected cross-boundary (and not as a result of the SPD in itself).
2d) The risks to human health or the environment (e.g. due to accidents).	The SPD does not present any risks to human health or the environment; conversely, it will encourage improvements in these areas.
2e) The magnitude and spatial extent of the effects (geographical area and size of the population likely to be affected).	The SPD will be applied to all relevant planning applications in the borough, although the effects of the SPD will be more likely felt at a more local scale (i.e. by populations in and around the development sites to which the SPD is applied, but also those visiting those areas).

<b>SEA Directive Criteria</b>	<b>Response</b>
<p>2f) The value and vulnerability of the area likely to be affected due to:</p> <ul style="list-style-type: none"> <li>i) special natural characteristics or cultural heritage.</li> <li>ii) exceeded environmental quality standards or limit values.</li> <li>iii) intensive land-use.</li> </ul>	<p>The SPD itself will not be able to set policy related to specific land uses. However, the SPD only offers guidance to support implementation of policies which have already been subject to SA/SEA. It does not propose further or different types of development to those already contemplated through the Local Plan.</p>
<p>2g) The effects on areas or landscapes which have a recognised national, Community or international protection status.</p>	<p>In applying to the borough of Reigate &amp; Banstead, the SPD potentially covers and may be applied to, areas protected for their special natural characteristics such as the Surrey Hills AONB, Mole Gap to Reigate Escarpment SAC and various Conservation Areas. Any applications for development will be required to satisfy the relevant policies for protection of the character of the area before permission is granted.</p>

## Conclusions in respect of Strategic Environmental Assessment

- 3.9 The policies that the SPD will supplement and support the delivery of existing policies in the Council's Local Plan (listed in section 2) have themselves been subject to SEA and SA. In particular, the appraisals for the Core Strategy Policies CS10, CS11 and CS17 and DMP Policies CCF1, DES1, DES5, DES8, NHE4, NHE9 and TAP1 conclude that there will be no significant environmental effects. The SPD will not introduce new policies or proposals, nor will it alter the overall development strategy (scale and distribution) which is established through the higher order Local Plan documents.
- 3.10 Having reviewed and assessed the SPD being prepared against the relevant criteria and considerations in Schedule 1 to the Environmental Assessment of Plans and Programmes Regulations 2004 (as set out in above), the Council concludes that the

Climate Change and Sustainable Construction SPD will not give rise to significant environmental effects. **Strategic Environmental Assessment is not therefore required for the Climate Change and Sustainable Construction SPD.**

3.11 This conclusion has been agreed with the Environment Agency, Historic England and Natural England.

## 4. Habitat Regulation Assessment Screening

- 4.1 The European Directive (92/43/EEC) on the Conservation of Natural Habitats and Wild Flora and Fauna (the ‘Habitats Directive’) sets out the means to protect habitats and species of European importance through the establishment and conservation of a network of sites known as the ‘Natura 2000’ network. These include Special Areas of Conservation (SACs) and Special Protection Areas (SPAs). It is also Government policy for sites designated under the Convention on Wetlands of International Importance (Ramsar sites) to be treated as having equivalent status to Natura 2000 sites. These are sites of exceptional importance in respect of rare, endangered or vulnerable natural habitats and species within the European Community. In this report SACs, SPAs and Ramsar sites will be collectively referred to as ‘Natura 2000’ sites.
- 4.2 The purpose of an HRA is to assess the implications of a plan, both individually, and in-combination with other plans or projects, on these Natura 2000 sites. The Habitats Directive applies the precautionary principle to Natura 2000 sites. In normal circumstances, a land use plan can be brought into effect only after having ascertained that it will not adversely affect the integrity of a Natura 2000 site either alone or in-combination with other plans.
- 4.3 The first stage in the process is to establish, via screening, whether the plan is either directly connected with, or necessary to, the management of a European site. If not, a determination needs to be made as to whether the plan in itself or in combination with others is likely to have a significant effect on a European site.
- 4.4 A comprehensive Habitats Regulation Assessment (HRA) Appropriate Assessment was undertaken as part of the preparation of these higher order Local Plan documents to determine whether those policies would have likely significant effects. The conclusions of these previous HRAs are considered highly relevant to the screening assessment for the proposed SPD. In relation to the policies which the proposed SPD will implement, the HRA for the Core Strategy and DMP concluded as follows:

**Table 3 Conclusions of Core Strategy and DMP HRAs in respect of relevant policies**

Policy	HRA Conclusions
Core Strategy Policy CS10 (known as Policy CS8 in the original Core Strategy HRA)	HRA (Feb 2012) concluded that the policy would have no direct implications for recreational disturbance at the SAC and would have no impacts in respect of air quality. HRA noted that the policy would promote preferential use of PDL and encourage a reduction in carbon emissions and the need to travel. Concludes no likely significant effects and no mitigation required.
Core Strategy Policy CS11 (known as Policy CS9 in the original Core Strategy HRA)	HRA (Feb 2012) concluded that the policy would have no direct implications for recreational disturbance at the SAC and would have no impacts in respect of air quality. These proposals should contribute to a reduction in the use of energy, and the increase in more sustainable forms of energy production. The policy will contribute to regional efforts to reduce the trend of increased air pollution.

Policy	HRA Conclusions
Core Strategy Policy CS17 (known as Policy CS15 in the original Core Strategy HRA)	<p>HRA (Feb 2012) concluded that the policy would have no direct implications for recreational disturbance on the SAC. The increased provision of walking, cycling and bridleways will be part of an integrated strategy for increasing GI provision across the borough, for reasons of improving alternatives to car, for fitness, for bio-diversity. It will have the effect of increasing provision in some areas for recreation, therefore contributing to a reduction in the recreational pressure on the SACs.</p> <p>Development will be directed to areas which are most accessible, and this will be away from areas covered by the SAC. Whilst development may lead to more cars on the road, no new roads are planned close to the SAC and therefore it will not become more accessible.</p>
Development Management Policy CCF1	<p>HRA 2018 noted that; 'This policy guides the detailed design of development rather than the quantum, type or location of development.....tighter water efficiency standards, may help reduce the general requirement for groundwater abstraction by water companies.'</p> <p>HRA Addendum (March 2019) for the DMP Main Modifications also screened out the policy as no material effect on previous HRA/AA conclusions.</p>
Development Management Policy DES1	<p>HRA (Sept 2018) concluded that the then drafted policy had no impact pathways and no HRA/AA implications. The policy was therefore screened out.</p>

<b>Policy</b>	<b>HRA Conclusions</b>
Development Management Policy DES5	HRA (Sept 2018) concluded that the policy had no impact pathways and no HRA/AA implications. The policy was therefore screened out.
Development Management Policy DES8	HRA (Sept 2018) concluded that the policy had no impact pathways and no HRA/AA implications. The policy was therefore screened out.
Development Management Policy NHE4	HRA (Sept 2018) concluded that the policy would have a positive effect as it requires development proposals should avoid adverse impacts on existing habitats, and maintain links and corridors, including for biodiversity. The HRA Addendum (March 2019) for the DMP Main Modifications also screened out the policy as no material effect on previous HRA/AA conclusions.
Development Management Policy NHE9	HRA (Sept 2018) concluded that the then drafted policy had no impact pathways and no HRA/AA implications. The policy was therefore screened out. The HRA Addendum (March 2019) for the DMP Main Modifications also screened out the policy as no material effect on previous HRA/AA conclusions.
Development Management Policy TAP1	HRA 2018 noted that; 'This policy encourages sustainable transport options to reduce the need for travel by private car and encourages infrastructure to support ultra-low emissions vehicles.' The HRA Addendum (March 2019) for the DMP Main Modifications also screened out the policy as no material effect on previous HRA/AA conclusions.

## Conclusions in respect of Habitat Regulations Assessment Screening

- 4.5 Previous HRAs have therefore concluded that there were no likely significant effects on European sites, either alone or in combination with other plans and projects, as a result of the policies within the Local Plan which the Climate Change and Sustainable Construction SPD is intended to implement.
- 4.6 Given the proposed SPD is intended to provide supplementary guidance to aid implementation of existing policies in the Local Plan (Core Strategy and DMP) and will not introduce new or amended planning policy, it is concluded that the SPD will not give rise to likely significant effects on any European sites. **It is therefore concluded that a full Appropriate Assessment under the Habitats Regulations is not required for this SPD.**
- 4.7 This conclusion was agreed with the relevant bodies in October 2020. Their responses are included in the Appendices below.

## Appendix 1: Responses from the three Statutory Bodies

creating a better place



Reigate & Banstead Borough Council  
Building & Development Services  
Town Hall Castlefield Road  
Reigate  
Surrey  
RH2 0SH

Our ref: SL/2011/108875/SE-09/SC1  
Your ref: Email  
Date: 13 October 2020

[LDF@Reigate-Banstead.gov.uk](mailto:LDF@Reigate-Banstead.gov.uk)

Dear Sir/Madam

**Consultation on Strategic Environmental Assessment and Habitats Regulations Assessment Screening Statement**

- Local Character & Distinctiveness Design Guide SPD
- Climate Change and Sustainable Construction SPD

Thank you for consulting the Environment Agency on the above. We are in agreement with your conclusion that the Local Character and Distinctiveness Design Guide SPD and Climate Change and Sustainable Construction SPD are unlikely to have any significant environmental effects and therefore a full Strategic Environmental Assessment will not be required.

We agree that the proposed SPDs are intended to provide supplementary guidance to aid implementation of existing policies in the local plan and will not introduce new or amended planning policy and therefore will not give rise to significant effects on the environment.

Please do not hesitate to contact me should you wish to discuss this further.

Yours faithfully,

[REDACTED]  
Planning Specialist

Kent and South London  
[REDACTED]

Environment Agency  
3rd Floor, Seacole Building, 2 Marsham Street, London, SW1P 4DF  
Telephone: 03708 506 506  
Email: [enquiries@environment-agency.gov.uk](mailto:enquiries@environment-agency.gov.uk)  
Website: [www.gov.uk/environment-agency](http://www.gov.uk/environment-agency)





Planning Policy Team

Reigate & Banstead Borough Council  
Reigate Town Hall, Castlefield Road  
Reigate, Surrey RH2 0SH

Our ref: PL00714762

Your ref:

Telephone 020 7973 3700

Email [e-seast@historicengland.org.uk](mailto:e-seast@historicengland.org.uk)

By email only to [LDF@Reigate-Banstead.gov.uk](mailto:LDF@Reigate-Banstead.gov.uk)

Date 14 October 2020

Dear Sir or Madam

Reigate and Banstead Borough Council Climate Change and Sustainable Construction  
SPD Strategic Environmental Appraisal Screening Opinion

Thank you for your email dated 9 September 2020 consulting Historic England on your intention of carrying out a SEA for the above plan.

In light of the Environmental Assessment of Plans and Programmes Regulations 2004, our view is that a SEA is not required in this instance for the reason set out in Paragraph 3.10 of the Screening Statement.

*Yours sincerely*

[REDACTED]  
Historic Environment Planning Adviser



Historic England, 4th Floor, The Atrium, Cannon Bridge House, 25 Dowgate Hill, London EC4R 2YA  
Telephone 020 7973 3700 [HistoricEngland.org.uk](http://HistoricEngland.org.uk)

Please note that Historic England operates an access to information policy.  
Correspondence or information which you send us may therefore become publicly available.



Date: 25 September 2020  
Our ref: 327413  
Your ref: [Click here to enter text.](#)



[LDF@Reigate-Banstead.gov.uk](mailto:LDF@Reigate-Banstead.gov.uk)

BY EMAIL ONLY

Customer Services  
Hombeam House  
Crewe Business Park  
Electra Way  
Crewe  
Cheshire  
CW1 6GJ

T 0300 060 3900

Dear Sir/Madam,

Planning consultation: Reigate and Banstead Local Plan - Climate Change and Sustainable Construction SPD - SEA & HRA Screening Consultation Request

Location: Reigate and Banstead

Thank you for your consultation on the above dated 09 September 2020 which was received by Natural England on 10 September 2020

Natural England is a non-departmental public body. Our statutory purpose is to ensure that the natural environment is conserved, enhanced, and managed for the benefit of present and future generations, thereby contributing to sustainable development.

**SUMMARY OF NATURAL ENGLAND'S ADVICE**

**NO COMMENTS**

Having reviewed the Council's Draft Screening Statement we have not identified any likely significant effects of the proposed SPD on any of the environmental features for which Natural England has statutory duties and responsibilities including the Mole Gap to Reigate Escarpment SAC and the Surrey Hills AONB and therefore has no comments to make.

**Background**

The Council's Screening Assessment (September 2020) concludes that a SEA is not required for the Climate Change and Sustainable Construction SPD. It also concludes that the Climate Change and Sustainable Construction SPD would not need to be subject to full Appropriate Assessment under the Habitats Regulations Assessment. The Council has consulted Natural England to seek comments on this assessment and its conclusions. For the purposes of Regulation 9 of The Environmental Assessment of Plans and Programmes Regulations 2004, Natural England is defined as a consultation body. Natural England is also the appropriate nature conservation body for the purposes of the Conservation of Habitats and Species Regulations, 2017 (the Habitats Regulations).

It is not the role of Natural England to advise the local planning authority on whether a SA/SEA is required and that is a matter for the local planning authority to determine. Under Regulation 105 of the Habitats Regulations Natural England does have a duty to advise a local planning authority if a Habitats Regulations Assessment (HRA) of a plan is required where we believe it is likely to have

significant effects alone or in combination with other plans and project on European protected sites.

In reviewing the Council's Screening Statement (September 2020), and coming to our views, we have noted in particular that:

1. This SPD will provide additional guidance to support implementation of policies in the Council's adopted Local Plan: Core Strategy (adopted 2014, reviewed 2019) and Development Management Plan (adopted 2019). Upon adoption, the SPD will be a material consideration in planning determinations in the borough.
2. The SPD will not set a framework for other projects or activities. It will provide additional guidance on existing policies within the Local Plan, including Core Strategy (CS10, CS11 and CS17) and DMP (CCF1, DES1, DES5, DES8, NHE4, NHE9 and TAP1) that have been subject to SEA (concluding no significant effects expected).
3. The Core Strategy and DMP provide the adopted policies to which the SPD will supplement. The SPD will only be able to expand and provide more guidance on the policies within the Local Plan. It will not introduce new policy. The SPD will be at the bottom of the hierarchy and will have no influence on the documents above it.
4. The policies within the Local Plan that the SPD supplements are not expected to have any likely significant detrimental effects on the environment. Indeed, the SPD will be providing guidance which will seek to improve environmental quality.

Should the proposal change, please consult us again.

If you have any queries relating to the advice in this letter please contact me on [REDACTED]

Yours faithfully

[REDACTED], Sustainable Development, Thames Solent Area

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## **Appendix 4 Draft Adoption Statement**

# **Reigate & Banstead Borough Council Climate Change and Sustainable Construction Supplementary Planning Document Public Notice and Statement of Adoption**

Planning and Compulsory Purchase Act 2004 (as amended) Town and Country Planning (Local Development) (England) Regulations 2012 (as amended)

Notice is hereby given that on 16th September 2021, in accordance with Regulations 11 and 14 of the Town and Country Planning (Local Development) (England) Regulations 2012, Reigate and Banstead Borough Council formally adopted the Climate Change and Sustainable Construction Supplementary Planning Document.

Paper copies of the Supplementary Planning Document, the accompanying Consultation Statements and this Adoption Statement can be viewed at:

- The Council's main office at Reigate Town Hall, Castlefield Road, Reigate (08:45-17:00 Mon-Thu, and 08:45-16:45 Fri).
- Banstead Library, Tattenham Community Library, Merstham Library, Redhill Library, Reigate Library, and Horley Library. The opening times and addresses are listed on Surrey County Council's website at: <https://www.surreycc.gov.uk/libraries>

Those documents can be viewed on the Council's website at <http://www.reigate-banstead.gov.uk>

Any person with sufficient interest in the decision to adopt the Supplementary Planning Document may apply to the High Court for permission to apply for judicial review of that decision. Such an application must be made promptly, and in any event not later than 3 months after the date on which the SPD was adopted (16<sup>th</sup> September 2021).

### **Further information**

For further information, please contact the Planning Policy Team by email at [LDF@reigate-banstead.gov.uk](mailto:LDF@reigate-banstead.gov.uk) or by telephone at 01737 276178.

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**Reigate & Banstead**  
BOROUGH COUNCIL  
Banstead | Horley | Redhill | Reigate

<b>SIGNED OFF BY</b>	Director of Place
<b>AUTHOR</b>	Katie Jackson, Environmental Health Manager
<b>TELEPHONE</b>	Tel: 01737 276309
<b>EMAIL</b>	Katie.Jackson@reigate-banstead.gov.uk
<b>TO</b>	Executive
<b>DATE</b>	Thursday, 16 <sup>th</sup> September 2021
<b>EXECUTIVE MEMBER</b>	Portfolio Holder for Neighbourhood Services

<b>KEY DECISION REQUIRED</b>	N
<b>WARDS AFFECTED</b>	(All Wards);

<b>SUBJECT</b>	Housing Enforcement Policy and Amendment to the Officer Scheme of Delegation
----------------	--

<b>RECOMMENDATIONS</b>	
(i) That the Housing Enforcement Policy provided as Annex 1 be approved. (ii) That additions to the Officer Scheme of Delegation contained within the Council's Constitution be approved, as set out in Annex 2 in relation to Section 5 (Housing and other Residential Accommodation).	

<b>REASONS FOR RECOMMENDATIONS</b>	
A documented housing enforcement policy is required to ensure clear and consistent enforcement decisions are taken in relation to the enforcement of housing standards. The original Housing Enforcement Policy was approved by Executive in 2018, and as well as a number of general updates, is returned for Executive approval due to a proposed change of approach regarding charging for the service of formal enforcement notices.	

The Officer Scheme of Delegation needs to be kept up-to-date and for that purpose it is necessary to add some newly introduced legislation to ensure that all necessary enforcement powers available under the legislation can be utilised.
---

<b>EXECUTIVE SUMMARY</b>	
The Housing Enforcement Policy was originally approved by Executive in 2018 and sits alongside the Environmental Health and Licensing Enforcement Policy. It covers in more detail than is appropriate for the whole service policy, the options available for enforcement of housing standards, primarily in the private rented sector. The main change proposed is	

# Agenda Item 5

the introduction of charges for the service of specified formal enforcement notices. The policy has also been updated to include a number of new powers to be used when regulating licensed mobile home sites and electrical safety standards in the private rented sector, and to make a number of general updates and improvements to clarity

While the Head of Service with responsibility for Environmental Health has delegated authority to refresh the Housing Enforcement Policy regularly as and when new legislation comes into force, where any significant variations of regulatory approach are proposed, this must still be returned for Executive oversight. The proposed introduction of charges when serving specified formal housing enforcement notices is considered to be such a significant variation of approach, and thus the Policy is presented to Executive for approval.

To enable the practical day-to-day functioning of a local authority, the council may delegate its powers, as it sees fit, to committees, officers and others. The Council's Constitution contains an Officer Scheme of Delegation that documents which decisions are delegated and this report seeks to update that scheme, which is necessary from time to time to incorporate new legislation and to reflect changes in the organisation of functions and services.

It is important that officers' delegated authority be very clearly documented and evidenced to ensure that enforcement action can be shown to be appropriately authorised. An addition is requested to the Council's Officer Scheme of Delegation, to allow new legislative provisions to be enforced where appropriate.

**Executive has authority to approve these recommendations.**

## STATUTORY POWERS

1. The Regulators' Code is a statutory Code of Practice introduced under Section 23 of the Legislative and Regulatory Reform Act 2006. Regulators covered by the code should have an adopted Enforcement Policy in place that incorporates the requirements of the code.
2. The Council is the enforcing authority for a wide variety of housing standards legislation, primarily aimed at securing standards in the private rented sector. This includes the Housing Act 2004 and regulations made under it, as well as the Housing and Planning Act 2016.
3. The updated policy references some new regulations that have been made since the last revision, including the Electrical Safety Standards in the Private Rented Sector Regulations 2020 and the Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020.
4. Section 37 of the Local Government Act 2000 requires the Council to prepare, keep up to date and publicise a Constitution. The Scheme of Delegation forms Section 3 of the Constitution. Power exists under section 101 of the Local Government Act 1972 to arrange for the discharge of their functions by officers of the authority.

## BACKGROUND

5. Having in place a documented enforcement policy demonstrates compliance with the Regulators Code and serves to inform investigating officers and decision-makers of the framework in which they operate, in addition to providing information to those people and businesses which are regulated and those protected by regulation. While Environmental Health also has a 'whole service' Enforcement Policy, that covers all of Environmental Health and Licensing, it is necessary to supplement this with a more detailed and specific Housing Enforcement Policy, due to the large number of different pieces of legislation applicable to housing enforcement and the wide range of enforcement options available under this legislation.
6. This detailed housing specific policy therefore complements the main enforcement policy, while providing the more detailed framework necessary to support sound regulatory decision making. It is necessary to have a clearly stated policy on how these enforcement options, including both criminal and civil sanctions, will be applied and the factors that will be taken into consideration when enforcing this legislation.
7. It is also sought to amend the Council's Scheme of Officer Delegation to incorporate new housing related legislation, the Electrical Safety Standards in the Private Rented Sector Regulations 2020.

## KEY INFORMATION

### Introduction of Charges for Formal Notices

8. The introduction of charges for formal notices is the most significant change proposed in the Housing Enforcement Policy and is the rationale for seeking Executive approval of the policy update. While the Head of Service with responsibility for Environmental Health has delegated authority to refresh the Housing Enforcement Policy regularly as and when new legislation comes into force, where any significant variations of regulatory approach are proposed, this must still be returned for Executive oversight.
9. The Housing Act 2004 and The Mobile Homes Act 2013 allow the Council to charge for the service of certain formal enforcement notices to recover the administrative costs and other expenses of the action. To date the Council has not charged for these notices but is now seeking to amend the Housing Enforcement Policy to introduce charges.
10. Formal enforcement notices are legal documents which require the responsible person to take action to remedy an identified problem. Failure to comply with these is an offence punishable by conviction and in some cases, by imposition of a civil financial penalty. The fundamental principal in making a charge for service of a formal enforcement notice is that it should recover the cost of the Council's time in investigating and assessing the issues resulting in service of the notice.
11. The default expectation on all landlords and responsible persons is that their properties will comply with minimum legal standards and that the Council's involvement to enforce standards is a last resort. Complaints about housing

## Agenda Item 5

conditions are generally not investigated unless the complainant can show that they have previously raised the matter with their landlord and had no response after allowing a reasonable amount of time to remedy matters. Inspections will in most cases be advised in advance and landlords will have had every opportunity to rectify issues without the need for the Council to become involved. It is therefore not unreasonable that those who require formal intervention should bear the costs of the Council's time in having to do so.

12. It is proposed to introduce a flat rate charge of £450 for the following types of notice;  
Housing Act 2004:
  - serving an improvement notice under section 11 or 12
  - making a prohibition order under section 20 or 21
  - taking emergency remedial action under section 40
  - making an emergency prohibition order under section 43 or
  - making a demolition order under section 265 of the Housing Act 1985
- Mobile Homes Act 2013:
  - Compliance Notices under section 4
13. Additional costs would be charged for external contractors providing specialist assessments e.g. if an electricians report was required in order to determine what remedial action was required in order to take enforcement action. Enforcement charges will be reviewed annually as per the Council's fees and charges setting process.
14. Where enforcement action is taken under the Housing Act 2004 in respect of more than one Housing Health and Safety Rating Scheme hazard and results in service of more than one notice or order, a separate charge will apply to each notice or order served. Where appropriate, hazards may be combined on one notice or order if the remedial works are similar to reduce the hazards.
15. There may also be other circumstances where it is appropriate for legal reasons to serve a number of separate notices or orders (for example, subsequently being able to carry out works in default), but where the Council will decide it is appropriate not to charge for all notices served.
16. The charge proposed is based on a breakdown of officer time required to prepare and serve a formal notice, which is then costed based on calculated officer hourly rates. These include salary (including on-costs of National Insurance and pension) and back office recharge costs. The hourly rates costs used are an established method of consistently charging for staff time at the true cost of providing the service, giving confidence that a robust process has been used to calculate all proposed charges. The approach is consistent with the Council's corporate Fees & Charges Policy that is approved as part of budget-setting each year.
17. Most, but not all Surrey authorities charge for notices, with some using an hourly rate and some a flat fee system. An invoice and Demand for Payment (charge notice) is

issued by the authority when the notice is served. If this is not paid, it is placed as a charge on the property and subject to debt recovery procedures.

18. The numbers of such notices served are not large, with the following providing an indication of how many notices would have come into scope for charging from recent years:

2020-21 = 2

2019-20 = 14

2018-19 = 19

2017-18 = 7

19. The Covid-19 restrictions during 2020-21 resulted in reduced inspections and as such formal enforcement action was lower than is typical.

## Mobile Home Sites Enforcement

20. The Policy has been updated to include more detail on the enforcement options available for regulation of licensed mobile home sites available under the Mobile Homes Act 2013. Following the introduction in July 2021 of the Fees and Charges Policy for Licensed Mobile Home Sites, a proactive programme of periodic inspections of licensed mobile home sites is planned, on risk based intervals. This will include some review and updating of licence conditions and possibly some formal enforcement.
21. The Policy has also been updated to include The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020, which came into effect from 1<sup>st</sup> July 2021. From that date and by 1 October 2021, all site owners must have submitted an application to be assessed as fit and proper persons and to be included on a register of fit and proper persons.
22. The approach to enforcement on licensed mobile home sites will be slightly different to that taken for matters under Housing Act 2004 provisions. For example, more use of informal means will be utilised, in line with government guidance on enforcement of these sites. This is in part because the provisions relating to the Deregulation Act 2015 on protection from retaliatory eviction of tenants who have made complaints about housing conditions, do not apply in these sites. There will therefore be a more graduated approach to enforcement taken.
23. Where possible, an informal approach will be taken in the first instance, except where there is a significant risk to health or damage to property, or evidence of previous non-compliance. This would mean working towards an agreed schedule of works to achieve the necessary outcome within reasonable timescales. While formal enforcement action will generally be focused on poorly managed or badly run sites and will be risk based, if an informal approach does not achieve compliance, then action will be escalated to formal enforcement.
24. Compliance Notices served under Section 4 of the Mobile Homes Act 2013 would be subject to a charge of £450 per notice.

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## **Electrical Safety Standards in the Private Rented Sector Regulations 2020 and Addition to the Scheme of Delegation of these Regulations**

25. These Regulations concern the minimum standards applying to the testing and condition of electrical installations in privately rented accommodation. They require landlords to have the electrical installations in their properties inspected and tested by a person who is qualified and competent, at least every 5 years. Landlords must provide a copy of the electrical safety report to their tenants, and if requested to the Council.
26. The Regulations impose a duty on the Council to serve a remedial notice where it considers there to be a breach of the landlords duties, which requires the landlord to take remedial action within 28 days. Should a landlord not comply with the notice, the Council may arrange for any urgent remedial action to be taken themselves, with the tenants consent.
27. The Council may recover the costs of taking any remedial action. The Regulations also provide for Civil Financial Penalties up to a maximum of £30,000 to be imposed for breaches. The Policy includes the factors that are taken into account in determining the amount of any Civil Financial Penalties.
28. This new legislation is not reflected in the current Scheme of Delegation and to enable the new provisions to be utilised effectively, delegation of the Council's duties and powers to officers is recommended.

### **OPTIONS**

29. The following options may be considered:
  - a) Agree the recommendations to adopt the revised Housing Enforcement Policy and to add the legislation outlined above to the Council's Scheme of Delegation, as set out in the Annexes. This is the recommended option.
  - b) Make amendments to the Annexes and then agree the recommendations as set out in the revised Annexes.
  - c) Do not agree the recommendations. This will significantly hinder the Council's ability to utilise the new provisions, as set out below, and is therefore not recommended.

### **Rationale**

30. **Adopt** the revised Housing Enforcement Policy - this is the recommended option at 29a. The introduction of notice charges will support the Council in its objectives to be a financially self-sustaining Council and to generate additional income and build our financial resilience, by adopting a cost recovery model for enforcement of private sector housing, where this is permitted in legislation. It will also allow for appropriate enforcement of new provisions.

31. **Amend** the revised Housing Enforcement Policy in light of Council feedback at 29b – to approve some, but not all, of the proposed Policy elements would require officers to work with Executive to ascertain which elements should be implemented immediately, and which require further action. To amend the Policy proposals risks under recovery of the costs of enforcement, and the service being unable to meet the income budget expectation that is already in place.
32. Do not adopt the revised Housing Enforcement Policy at 29c – not to adopt the Policy would miss an opportunity to effectively recover some of the costs of housing enforcement, and the service being unable to meet the income budget expectation that is already in place. This would be contrary to the Council's own objectives and the corporate Fees and Charges Policy. It would also result in the Council being unable to enforce new provisions which have come into effect since the policy was first introduced.

## LEGAL IMPLICATIONS

33. There are significant legal implications for incorrect enforcement decisions, as the Council could be vulnerable to legal challenge and incur substantial legal costs in the event of incorrect process being followed. Regular revision and updating of the Housing Enforcement Policy reduces the risk of this happening.
34. Inclusion of the details of enforcement notice charges in the Policy ensures that decisions around the imposition of charges are fair and transparent and can be appropriately applied.
35. There are also significant legal implications for not having an appropriately updated scheme of delegation, in this case in relation to the new electrical safety standards requirements. If enforcement action were to be taken but delegations were not satisfactory, the Council could be vulnerable to legal challenge and incur substantial legal costs. Alternatively, the absence of appropriately delegated authority could impair our ability to appropriately enforce statutory provisions.

## FINANCIAL IMPLICATIONS

36. The revenue income generated by any notice charges will be credited to the Housing Standards Environmental Health cost centre. This budget already includes an ambitious income budget, following the outcome of the Service and Financial Planning process for 2019-20, which saw the income budget increased by £22,000 to a total of £35,000. This change accompanied budget growth, in the form of an additional officer post to undertake residential licencing and enforcement work, the business case for which included an expectation of increased income generated by licensing and enforcement activity. The income budget is therefore already in place and the introduction of charges proposed in the updated enforcement policy will contribute to generation of revenue income already in the budget, rather than representing an opportunity to add new income to the budget.
37. If an average of 10 chargeable notices were issued each year (based on analysis of the number of in scope notices served over the last four financial years), the

# Agenda Item 5

introduction of the proposed notice charges might be expected to generate £4,500 additional net income annually.

38. The proposed policy has been subject to review by the Finance team who have confirmed it is consistent with the Council's overarching Fees and Charges Policy that is approved as part of the budget-setting process each year.
39. While new fees and charges are generally introduced from April to coincide with the new financial year, in this case agreement is sought to implement the notice charging provisions set out in the policy with immediate effect. This is because delaying until the new financial year would risk other enforcement actions being impacted by having an out of date policy in place.
40. The charges proposed would apply until the end of the 2022-23 financial year and would then be subject to annual review in accordance with the corporate Fees and Charges Policy. It is expected that as a minimum charges would be increased annually from 1 April each year in line with Consumer Price Index (CPI) inflation increases. In considering setting a charge that will extend to the end of the next financial year, the cost calculations include anticipated cost increases for 2022-23 in the hourly rates used.

## EQUALITIES IMPLICATIONS

41. This duty has been considered in the context of this report and it has been concluded that the equality and diversity implications arising from this report would be neutral overall. It would also have a positive impact in terms of impact on deprivation, as one aspect of deprivation can be living in poorer housing conditions, and robust enforcement action against non-compliant landlords or duty holders, helps to protect the interests of vulnerable residents and improve living conditions.

## COMMUNICATION IMPLICATIONS

42. In most cases where successful enforcement action is undertaken, there is liaison with the Communications Team, to discuss the merits of publishing the action, with a view to discouraging non-compliance among others. This generally relates to successful prosecutions and Civil Financial Penalties.
43. With regard to the introduction of charges for the service of formal notices, this possibility would be communicated to duty holders prior to service of formal notices, such that they would be fully aware that continued non compliance with legal standards would be expected to result in a charge if formal action was subsequently required. Information on notice charges will also be included on the Council website under the Private Sector Housing pages.
44. The other main change in the proposed Housing Enforcement Policy relates to the enforcement of licensed mobile home sites. These are already subject to a separate piece of work involving the introduction of site licence fees, the new Fit and Proper Person test and more regular proactive site inspections. As such there has already been a series of information letters sent to both residents and site operators, detailing these actions.

## RISK MANAGEMENT CONSIDERATIONS

45. There are no significant risks associated with accepting the recommendations. There are substantial legal (and therefore financial) risks in not accepting the recommendations.

## OTHER IMPLICATIONS

46. The changes proposed in the Policy will involve some additional workload in the Environmental Health team. The introduction of notice charges will require some additional administrative stages, which have been factored into the proposed cost of the notice and will therefore be recovered by the charge itself. The work associated with notice charges has also been discussed and agreed with the Finance and Debt Recovery teams, but as the numbers of chargeable notices served is expected to remain small, this is not thought to present a workload or capacity issue for these teams.
47. Ongoing work with licensed mobile home sites, including more regular proactive inspections will also generate more work in the team. Changes to the legislation and guidance in recent years to allow for more targeted and effective enforcement options, are expected to result in some increased enforcement activity associated with licenced mobile home sites, with subsequent resource demands.
48. It should be possible to accommodate these demands following previous growth in the team in the form of an additional officer post to undertake residential licencing and enforcement work, agreed during Service and Financial Planning for 2019-20.

## CONSULTATION

49. No consultation has been carried out, as the policy impacts will mostly be felt by non-compliant duty holders, who are not a group that it is generally possible to identify and engage with.

## POLICY FRAMEWORK

50. The introduction of enforcement notice charges is well aligned with the themes and priorities of the Council's Five Year Plan, 'Reigate and Banstead 2025'. In particular our objectives to be a financially self-sustaining Council and to generate additional income and build our financial resilience, in order to sustain services through responsible and sustainable commercial activities. It would also be aligned to the Corporate Fees and Charges Policy; in that it seeks to maximise potential income by operating as a 'Full Cost Recovery' model by default.

## BACKGROUND PAPERS

Please list any background papers here. A full definition of a Background Paper (with instructions) can be found in the [Report Writing Guide](#) on the Web Library.

## Agenda Item 5

1. Corporate Plan 2015-20 - [http://www.reigate-banstead.gov.uk/council\\_and\\_democracy/about\\_the\\_council/plans\\_and\\_policies/corporate\\_plan/index.asp](http://www.reigate-banstead.gov.uk/council_and_democracy/about_the_council/plans_and_policies/corporate_plan/index.asp)
2. Equality Impact Assessment

**REIGATE & BANSTEAD BOROUGH COUNCIL**  
**HOUSING ENFORCEMENT POLICY**

**Background**

This Housing Enforcement Policy should be read in conjunction with the main Environmental Health and Licensing Enforcement Policy. This additional policy covers in greater depth the issues and options available for enforcing housing legislation, than is appropriate for the general service policy regarding enforcement.

**Introduction**

Enforcement of housing standards, primarily in the private rented sector, is one of the statutory functions of the Environmental Health and Licensing Service ('Environmental Health'). The service seeks to minimise the risks to human health and the environment for the people of Reigate and Banstead from unsatisfactory housing conditions, with the ultimate aim of ensuring:

- (a) a private sector housing stock that is sound and whose condition does not endanger the health and well-being of its occupants or visitors.
- (b) rented housing that is properly managed and maintained

It is recognised that while there are many responsible landlords and letting agents, the Council has a vital role to play in tackling criminal and irresponsible landlords and preventing them from profiting from their non-compliance.

In order to regulate private sector housing, officers will conduct inspections of properties and investigate complaints of disrepair. This will be achieved by requesting information, carrying out inspections, processing licence applications, encouraging and promoting good practice, providing owners and landlords with advice and information, investigating possible offences and, where appropriate, taking enforcement action and prosecuting offenders.

**Aims and Principles of The Housing Enforcement Policy**

The overall aim of the housing function is to raise standards in the private sector housing stock. This benefits the health and wellbeing of Reigate & Banstead Borough Council residents and helps maintain the housing stock for future generations.

The principles of the Housing Enforcement Policy are to ensure that:

- Tenants of private landlords and registered providers of social housing live in homes that are free of unacceptable hazards and risks to their health and safety;
- Houses in Multiple Occupation are safe, well managed and all relevant Management Regulations are adhered to;

- Licensable Houses in Multiple Occupation are licensed and licensing conditions are met;
- Privately owned property and land does not present a statutory nuisance to other land owners, is not detrimental to the amenity of the area, does not directly or indirectly present an unacceptable risk to public health, safety or the environment; and
- The Council meets its statutory obligations in relation to private housing.

This Enforcement Policy provides an overview of the broad principles and processes with which the Council will seek to comply when taking action to ensure that all private sector housing in the borough is healthy, well managed and safe. It should be read in conjunction with the Environmental Health and Licensing Enforcement Policy, which sets out how the Council will follow the principles of good enforcement.

### **Determining the Appropriate Action**

All types of enforcement action will be based upon an assessment of the risk to public health and the environment, caused by non-compliance with the legislation. Any enforcement action chosen by the officer will be governed by the principles of consistency, proportionality, fairness and transparency.

Where consideration is being given to a sanction for serious non-compliance, a Sanctions Panel will usually be convened to decide on the most appropriate action. The Panel will include the investigating officer/s for the case, the Environmental Health Team Leader and the Environmental Health Manager. A member of the Council's Legal Team may also be asked to participate.

In cases where consideration is being given to prosecution or administration of a Simple Caution, or in the case of certain specified Housing Act 2004 offences the administration of a civil financial penalty, the Environmental Health Enforcement Decision Matrix will be used to help reach a conclusion. A copy of this is attached as Appendix B to this Enforcement Policy. The Decision Matrix will be used in conjunction with a Sanctions Panel being convened.

A written record of the decision and factors considered in making it will be made and kept in the case file.

### **Authorised Officers**

All authorised officers of the Service will abide by this enforcement policy when carrying out their enforcement duties and shall receive relevant training to enable them to do so.

Action can only be taken by officers who are specifically authorised under the Council's Scheme of Officer Delegation. This will only be those who are competent by training, qualification and / or experience. Authorised officers will also have sufficient training and understanding of the team's procedures to ensure a consistent approach

to service delivery.

Relevant visits made under the Housing Act 2004, will also be subject to individual authorisation, as required by Section 239 of the Act.

### **The Housing Health and Safety Rating System (HHSRS)**

The HHSRS is set out in Part 1 of the Housing Act 2004. It is a method of assessing how likely it is that the condition of a property will cause a risk to the health of the occupants, in relation to a particular hazard type. Hazards are categorised dependent on the degree of risk, into two types:

**Category 1 hazards** represent a serious danger to health and the Council has a *duty* to take appropriate action to see these hazards reduced.

**Category 2 hazards** represent a lesser danger and, although it has no duty to take action, the Council has *power* to reduce category 2 hazards through appropriate action.

Much of this enforcement policy relates to enforcement work under the Housing Act 2004. Other pieces of legislation will be used as appropriate and most of these are listed later in this document.

### **Inspection**

Dwellings may be inspected both reactively (in response to a request or complaint) and potentially proactively based on risk and intelligence. Where there is reason to believe a hazard may exist, but access is denied or prior warning would defeat the purpose of the inspection, the Council can apply to the Magistrates Court to obtain a warrant to enter a property without prior notice and using force if necessary.

The inspection may be limited to that part of the property where the Officer has reason to believe there may be a problem, but may extend to the whole of the property, common parts and any gardens, garages and yards.

### **Tenure**

The Housing Health and Safety Rating System (HHSRS) outlined above applies to all tenures of housing. Furthermore, it does not specify that particular approaches or solutions should be used on the basis of ownership or the occupier's status. All enforcement options are available to the Council regardless of whether the premises in question are owner-occupied, privately rented or belong to a Social Housing Provider. Generally, the Council considers that owner-occupiers are usually in a position to take informed decisions concerning maintenance and improvement issues that might affect their welfare and are then able to set their financial priorities accordingly; tenants however, are not usually able to do so.

For this reason, the Council proposes that it is appropriate for its powers to be used according to tenure, as follows:

## **Owner-Occupiers**

The Council anticipates that Hazard Awareness Notices will frequently be the appropriate course of action. However, the use of Improvement Notices, Prohibition Notices and their emergency equivalents will be considered in cases involving:

- Vulnerable elderly people who are judged incapable of making informed decisions about their own welfare
- Vulnerable individuals who require the intervention of the Council to ensure their welfare is best protected
- Hazards that might reasonably affect persons other than the occupants
- Serious risk of life-threatening harm such as electrocution or fire

Unless an identified hazard is judged to pose an imminent risk of serious harm, the Council will contact the owner to confirm its involvement, explain the nature of the hazard and confirm the action it is intending to take. The Council will take account of any proposals or representations made by, or on behalf of the owner. The Council will solicit and take account of the opinion of the relevant social care authority in considering both the vulnerability and capability of such persons as well as in determining what action it will then take.

## **Social Landlords**

Housing Providers exist to provide suitable and properly maintained accommodation for their tenants. They are managed by Boards (which typically include tenant representatives) and their performance is scrutinised by the Homes and Communities Agency (HCA). Housing Providers normally employ staff to both manage and maintain their properties and will usually have written arrangements for reporting problems, setting out the response times they aim to achieve, and also for registering any complaints about service failure.

On this basis, the Council will not normally take formal action against Housing Providers unless:

- It is satisfied that the problem in question has been properly reported to the Housing Provider and
- The Housing Provider has then failed to take appropriate action

If the Council determines that it is appropriate to take action, it will then normally notify the Housing Provider that a complaint has been received and/or a hazard identified and seek the Housing Provider's comments and proposals. Only in cases where it judges that an unsatisfactory response has been received will the Council take further action and will then determine which of the available enforcement options is the most appropriate, considering the facts of the case.

## **Private Landlords**

The Council will have regard to the principles of statutory guidance and relevant guidance from the First-Tier Tribunal (Property Chamber) ('FTT') decisions and will seek to proceed in accordance with the Enforcement Options set out below in this policy.

Landlords are expected to either:

- Provide any agent acting for them with sufficient authority to act on their behalf, in the event that they are contacted by the Council, or
- To ensure that they maintain appropriate communication with their agent in order that appropriate decisions and responses can be provided to the Council

The failure of an agent to respond to communication from the Council or any failure to take appropriate action may be treated as a failure by the landlord.

### **Shared Enforcement Responsibilities**

In circumstances where enforcement responsibility is shared between or rests fully with external organisations, officers will have regard to protocols agreed with other enforcement agencies, for example Surrey Fire and Rescue Service. Where appropriate, officers will ensure that referrals are passed to the appropriate enforcing authority promptly and in accordance with any agreed procedure.

### **Prior to Enforcement**

Before considering taking any action in respect of a tenanted property the tenant(s) will normally be required to contact their landlord about the problems first. This applies to both private and housing association tenants. Legislation covering landlord and tenant issues requires that tenants notify their landlords of any problems with the property. This is because landlords can only carry out their obligations under the legislation once they have been made aware of the problem. Copies of correspondence between the landlord and tenant should be provided for officers.

In certain situations tenants will not be required to write to their landlord first, e.g.:

- where the matter appears to present an imminent risk to the health and safety of the occupants;
- where there is a history of harassment / threatened eviction / poor management practice;
- where the tenant is old and frail or otherwise vulnerable, e.g., where the tenant's first language is not English and this is likely to cause them difficulty;
- where the tenant could not for some other reason be expected to contact their landlord / managing agent;

Tenants are responsible for keeping officers informed of any contact they have with their landlord (or the landlord's agent or builder, etc.), which may affect the action the Council is taking or considering taking.

### **Enforcement Options**

Once a property has been inspected, officers will identify the hazards found and calculate the risk score using HHSRS. They will then consider what action needs to be taken to reduce the risk. In deciding the most appropriate type of action to be taken, they will consider:

- the number and type of category 1 and 2 hazards
- the vulnerability and personal circumstances of the current occupiers
- In the case of HMOs, whether they are licensable or not, the number of households in residence, any overcrowding, poor management and/or risk from fire.

The actions can be broken down into ‘informal’ and ‘formal’ action (see below).

### **(a) No Action**

Where no action is possible or the general principles for enforcement action lead the officer to determine that no action should be taken by the Authority, customers will be given advice on ways that they can deal with the matter themselves by taking their own legal action or other means. These include:

- Referral to Thames Water in the case of Public Sewers
- Referral to a solicitor in relation to potential action under section 11 of the Landlord and Tenant Act 1985.

In cases that fall outside our legislative remit no other action will be taken.

### **(b) Informal Action**

Informal action includes offering advice or sending a written request for action within a specified time.

It is usual that the person responsible for remedying any defects will already have been notified of these by the tenants and the officer must have notified them of their intention to inspect if enforcement action is to be taken. This allows the responsible person an opportunity to act to resolve the defects before any formal inspection.

It is also usual that the responsible person will be present during the inspection. If they are not, officers can contact them afterwards then discuss the defects and agree timings for resolution if appropriate.

Action taken by the responsible person will be monitored. If an informal approach does not result in the hazard being appropriately remedied in a timely manner, formal action will be taken.

Depending on the hazard and the potential harm to the occupant it may be appropriate to take formal enforcement action immediately.

It should be noted that in view of the provisions enacted by the Deregulation Act 2015 Section 33 governing retaliatory eviction of tenants who have made complaints about their accommodation, where a landlord has been made aware of deficiencies by a tenant, and his inadequate response or failure to respond results in the involvement of the Council, it is appropriate that if Category 1 and 2 hazards are identified under the Housing Act 2004 that formal enforcement notices are served.

This is to ensure tenants receive the protection from retaliatory eviction provided by the Deregulation Act 2015. This protection applies when a tenant has made a genuine complaint about the condition of their property that has not been addressed by their landlord, and their complaint has been verified by a local authority inspection, which then results in service of either an improvement notice or a notice of emergency remedial action. Under these circumstances, a landlord cannot evict that tenant for 6 months using the 'no-fault' eviction procedure (a section 21 eviction).

### **(c) Formal Action**

The Council has a duty to take appropriate action where Category 1 hazards are present, which means it may be necessary to proceed straight to formal action without an informal stage.

We may also proceed directly to formal action where the informal stage is considered as having been the period of time prior to the inspection, when the responsible person could have rectified the defect and negated the need for Council involvement.

The Council will take appropriate emergency enforcement action where the property poses an imminent risk to health or safety of the occupants or others directly affected by it.

The Council will take the most appropriate enforcement action in accordance with this Policy.

### **Statutory Notices**

Formal action will usually involve the serving of statutory notices. Most notices served require the recipient to commence and complete remedial works within specified time limits.

Under the Housing Acts, the following enforcement actions are available to the Council when considering the most appropriate course of action:

- Serve an **Improvement Notice** or **Suspended Improvement Notice**;
- Make a **Prohibition Order** or **Suspended Prohibition Order**;
- Serve a **Hazard Awareness Notice**;
- Make a **Demolition Order**;
- Declare a **Clearance Area**;
- Make an **Interim or Final Empty Dwelling Management Order**
- Take **Emergency Remedial Action** (Category 1 Hazards only);
- Make an **Emergency Prohibition Order** (Category 1 Hazards only);
- Serve an **Overcrowding Notice**.

Officers will use the Housing Health and Safety Rating System Enforcement Guidance

(published by the ODPM, February 2006) ([https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/7853/safetyratingssystem.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/7853/safetyratingssystem.pdf)) in determining the most appropriate course of action from the above list and will adhere to the relevant consultation requirements set out on the legislation for taking into account the views of occupiers and owners and other stakeholders.

Housing Act 2004 Notices and Orders come complete with a 'Statement of Reasons' explaining why one type of enforcement action was taken rather than another. Officers will be willing to discuss the works specified in the notice, the reason for serving the notice and any alternative remedy the recipient may propose.

Certain Notices can be suspended, such that a specified time period elapses or specified events occur (or do *not* occur) before the suspended notice comes into operation.

Not more than one course of action can be taken at a time for the same hazard (unless it is an emergency action) but alternative action can follow if one of the actions taken has proved unsuccessful. Emergency procedures cannot be used for category 2 hazards.

Where a Notice is served and there is a change in ownership of the property, the notice can be enforced on the new owner or recipient. However, any outstanding liabilities such as fines or costs remain with the original owner or recipient of the notice.

There are statutory rights of appeal against Notices, Orders and associated decisions made by the Council. Appeals against enforcement action are made to the First Tier Tribunal (Property Chamber) ('FTT'). The FTT may confirm, quash or vary a Notice, Order or decision. Details of these rights and information about where to make an appeal are contained within the notes (usually on the rear) of any Notices or Orders served.

### **Charging for Enforcement Action**

Where the Council takes formal action and has the power to make a charge for the action (for example when taking certain action under the Housing Act 2004) a charge for enforcement can be made.

The fundamental principle in making a charge for service of a formal enforcement notice is that it should recover the cost of Council's time in investigating and assessing the issues resulting in service of the notice. The default expectation on all responsible for property standards i.e. landlords or owners, is that their properties will comply with minimum legal standards and that the Council's involvement to enforce standards is a last resort. Inspections will in most cases be advised in advance and the responsible person will have had every opportunity to rectify issues without the need for the Council to become involved. It is therefore not unreasonable that those who require intervention should bear the costs of the Council's time in having to do so.

The following types of notice will therefore result in a flat rate charge of £450 per notice or order:

#### **Housing Act 2004:**

- serving an improvement notice under section 11 or 12
- making a prohibition order under section 20 or 21

- taking emergency remedial action under section 40
- making an emergency prohibition order under section 43 or
- making a demolition order under section 265 of the Housing Act 1985

Mobile Homes Act 2013:

- Compliance Notices under section 4

The charge is based on officer time needed to take enforcement action, and is calculated on a cost recovery basis, as is the default in the Council's Policy on Fees and Charges.

Additional costs would be charged for external contractors providing specialist assessments e.g. Electrician report in order to determine what remedial action is required in order to take enforcement action.

Enforcement charges will be reviewed annually as per the Council's fees and charges setting process.

Where the Council takes enforcement action under the Housing Act 2004 in respect of more than one HHSRS hazard and serves more than one notice or order, a separate charge for enforcement action will apply to each notice or order served.

Where appropriate, hazards may be combined on one notice or order if the remedial works are similar to reduce the hazards.

It may also be appropriate where a number of notices or orders are served for legal reasons (for example, subsequently being able to carry out works in default) that the Council decides it appropriate not to charge for all notices served.

### **Enforcement Action Thresholds**

The Council uses the following threshold values to guide decisions as to the initial enforcement expectation, depending on the hazard score. These are internal guidelines only and are not based in legislation or statutory guidance.

	<b>Vulnerable age group in occupation</b>	<b>No vulnerable age group in occupation</b>
<b>Category 1 Hazard</b>		
Score >1000	Formal action / improvement notice	Formal action / improvement notice
<b>Category 2 Hazard</b>		
Score 500-999	Formal action / Hazard awareness notice	Formal action / Hazard awareness notice
Score <500	No Action	No Action

In exceptional circumstances however, all types of enforcement action will be considered.

Where the hazard score results in no action, the occupier or tenant will be advised of any other action that may be available to them to deal with the issues that are of

concern to them. Such advice will be confirmed by letter and copied to the responsible person for information.

### **Types of Statutory Notices**

#### **(a) Improvement Notices**

In the vast majority of cases properties are in such a condition that they can be repaired or improved rather than demolished or closed and so improvement notices are likely to be a common type of enforcement for category 1 hazards. The service of a notice will seek to reduce a category 1 hazard to a category 2 hazard or else to remove it entirely.

An improvement notice will specify the following information:

- which category of hazard it relates to
- the nature of the hazard and the premises / property on which it exists;
- the deficiency giving rise to the hazard;
- the premises and nature of remedial action required;
- the date by which remedial action is to be started, (not less than 28 days);
- the period in which the remedial action is to be completed;
- notes in respect of the right of appeal.

An improvement notice will be revoked when it is complied with and may be varied by agreement.

#### **(b) Suspension of an Improvement Notice (or a prohibition order see below)**

An improvement notice would normally become operative 21 days after service and a prohibition order after 28 days. However both may be suspended. The notice may specify an event that triggers the end of the suspension, such as:

- non-compliance with an undertaking
- a change of occupancy

Suspension may also be appropriate where the hazard is not sufficiently minor to be addressed by a hazard awareness notice but the current occupiers are not members of a vulnerable age group. Consideration will also be given to the turnover of tenants at the property. Typically the activation of a suspended notice would be a change of occupancy, where an occupier is replaced by one who is of the vulnerable age group. The notice will require the owner or landlord to notify the Council of a change of occupancy to ensure that the notice can be reviewed.

Consideration will be given to any request by the tenant to suspend the notice or replace the action by the issue of a hazard awareness notice where the works are likely to affect that tenants' health. All suspended notices and orders will be reviewed every 12 months or earlier as deemed to be appropriate.

#### **(c) Prohibition Orders**

A prohibition order may be used for either a category 1 or 2 hazard. It may prohibit the use of a part or all of the premises for some or all purposes, or occupation by particular numbers or descriptions of people.

A prohibition order will specify the following:

- whether it relates to a category 1 or 2 hazard;
- the nature of the hazard and the premises on which it exists;
- the deficiency giving rise to the hazard;
- the premises and prohibitions which are imposed;
- any remedial action that would result in the order being revoked. (An order becomes operative 28 days after it is made);
- notes in respect of the right of appeal.

A prohibition order will be revoked if the Council is satisfied that the hazard to which it relates no longer exists.

This action will be considered:

- where the conditions present a serious threat to health or safety of the occupants;
- where remedial action is considered unreasonable or impractical for cost or other reasons e.g. where the remedial works cannot be undertaken with the tenant in occupation;
- to prohibit the use of the dwelling or part of the dwelling by a specified group (until such time as improvements have been carried out), where a dwelling is hazardous to some people, but relatively safe for occupation by others: The specific group relates to the class of people for whom the risk arising from the hazard is greater than for any other group, for example, elderly people or those with young children;

Regard will be had to the following matters when considering serving a prohibition order:

- the risk of exclusion of vulnerable people from the accommodation;
- whether the building is listed;
- the position of the premises in relation to neighbouring buildings;
- irrespective of any proposals the owner may have, the potential alternative uses of the premises
- any conservation or renewal area and any general proposals for the area
- the effect of complete prohibition on the well-being of the local community and the appearance of the locality
- the availability of local accommodation for re-housing any displaced occupants
- whether it is appropriate to offer financial advice or assistance

#### **(d) Hazard Awareness Notice**

Category 2 hazards i.e. a score of less than 500 will usually result in no action or the potential for a hazard awareness notice (HAN) being served. This will draw the attention of the person responsible to the desirability of remedial action. There will be no requirement to carry out the recommended works. No informal action will be taken prior to the issue of a HAN.

A hazard awareness notice will specify:

- the nature of the hazard and the premises on which it exists;
- the deficiency giving rise to the hazard;
- the premises on which the deficiency exists;
- the reasons for deciding to serve the notice, including the reasons for deciding

- that serving the notice is the most appropriate course of action;
- the details of any remedial action, which the Council considers, would be practical and appropriate to take.

The advisory nature of the notice may result in monitoring of any premises to ascertain if works have been undertaken. The service of a hazard awareness notice will not prevent further formal action.

#### **(e) Emergency Remedial Action/ Emergency Prohibition Order**

The Council can take emergency enforcement action for hazards which present an imminent risk of serious harm to occupiers or visitors to residential premises. This action will only be taken in exceptional circumstances and will require the following:

- The existence of a Category 1 hazard
- that the hazard presents an imminent risk of serious harm to the health and safety of the occupiers or visitors

The Council can take emergency remedial action to remove the hazard and recover reasonable expenses, or immediately prohibit the use of all or part of the property. There are appeal provisions, but any appeal will not prevent any remedial works being undertaken or an emergency prohibition order being made.

A notice or order will be served within seven days of emergency action being started. This will state:

- the nature of the hazard and the premises / property which it exists;
- the deficiency giving rise to the hazard
- the premises and nature of remedial action required;
- the power under which the remedial action has been (or is to be) taken;
- the date when the remedial action was (or is to be), started.
- notes in respect of right of appeal

#### **(f) Demolition**

Where a Demolition Order is used, the Council will assist in the re-housing of the occupants who are displaced. The Council will consider the following matters in reaching a decision on making a demolition order:

- the availability of local accommodation for re-housing occupants
- the demand for, and the sustainability of the current accommodation if the hazard were remedied;
- the prospective use of the cleared site;
- the local environment, the suitability of the area for continued residential use and the impact on the area of the cleared site.

A demolition order may be replaced with a prohibition order if proposals are submitted for the use of the premises for use other than human habitation.

#### **(g) Clearance Areas**

Clearance is unlikely to be the most viable option in most cases. However the following matters would be taken into account in reaching a decision on the most appropriate

action.

- the likely long term demand for residential accommodation;
- the degree of concentration of dwellings containing serious intractable hazards;
- the density of buildings and street pattern around which they are arranged;
- the overall availability of housing accommodation in the wider neighbourhood in relation to housing needs and demands;
- the proportion of dwellings free of hazards and other, non-residential, premises in sound condition which would also need to be cleared to arrive at a suitable site;
- whether it would be necessary to acquire land surrounding or adjoining the proposed clearance area; and whether added land can be acquired by agreement with the owners;
- the existence of any listed buildings;
- the results of statutory consultation;
- the arrangements necessary for re-housing the displaced occupants and the extent to which occupants are satisfied with those arrangements;
- the impact of clearance on, and the scope for relocating, commercial premises;
- the suitability of the proposed after-use(s) of the site having regard to its shape and size, the needs of the wider neighbourhood and the socio-economic benefits which the after-use(s) would bring, the degree of support by the local residents and the extent to which such use would attract private investment into the area.

### **Houses in Multiple Occupation (HMO)**

HMOs are higher risk than single family homes, and so the conditions, facilities and management are more closely regulated. Some HMOs are subject to mandatory HMO licensing.

Since October 2018 HMO licences have been required for all HMOs that are occupied by 5 or more persons forming more than one household who are sharing facilities. Prior to this time mandatory licences were only required for HMOs meeting the above criteria and being of three or more storeys in height.

The responsibility for licensing rests with the person having control of, or the person managing, the property. This is the owner, or the person who lets the property out and collects rents. Prospective HMO licence-holders must complete an application form, supply various documents and pay their licence fee.

The HMO licensing regime includes arrangements for assessing the suitability of the premises for the number of occupants, including the adequacy of the amenities. It also provides for the assessment of the fitness of a person to be the licence holder and the potential management arrangements of the premises.

The Council will consider the application and a licence will be granted if:

- The house is reasonably suitable for occupation by not more than the maximum number of households or persons specified in the licence, or can be made so suitable by the imposition of conditions of the licence; and
- The proposed licence holder and manager of the house are fit and proper persons; and
- The proposed management arrangements for the house are satisfactory

The Council may also:

- Refuse a licence
- Revoke a licence
- Vary a licence
- Refuse to vary a licence

Inspections are part of the licensing process and may happen at any time during the lifetime of the licence. Inspections will check that the information provided in the application form was correct, that no Category 1 hazards exist at the property and that the maximum numbers specified by the licence are adhered to and that there is compliance with the conditions imposed by the licence. Inspections will normally be by appointment but may be made without notification at any reasonable time.

Licences are issued for a five-year period and a new licence should be applied for at least two months before the end of that period to ensure continuity.

The Council charges for HMO Licences are set out on the Council website. HMO licence fees are set to fully recover the Council's costs involved in carrying out the licensing function.

The Housing Act 2004 sets out a number of licensing related offences all of which carry an unlimited fine, including:

- Operating an unlicensed HMO or allowing an HMO to be occupied by more persons than a licence allows
- Breach of licence condition
- Supplying incorrect information in a licence application

Where an unlicensed HMO is suspected by the Council or identified via other intelligence, the landlord will be contacted and prompted to make a valid licence application and pay the fee.

If the landlord does not make a valid application within a reasonable time, typically 28 days, and investigation undertaken confirms that a licence is required, the Council may instigate prosecution proceedings or issue a Civil Financial Penalty, as determined appropriate based on the circumstances of the case. The officer time required to obtain evidence of the need for a licence will be added to the investigative costs element of the Civil Financial Penalty if this is the chosen formal route.

If a landlord of an unlicensed HMO proactively approaches the Council for licensing and fully cooperates with the process, including addressing any management, safety or amenity issue within an agreed timescale, the licence will be processed, and the Council would not normally take enforcement action in respect of their not having previously applied for a licence. All cases are however subject to individual circumstances and in each case, action will be decided based on the particular circumstances of the case.

## **Management of Houses in Multiple Occupation**

All identified hazards and breaches of the relevant HMO Management Regulations in any HMO, whether licensable or not, will be dealt with in accordance with the enforcement approach set out in the main body of this policy.

The Management of Houses in Multiple Occupation (England) Regulations 2006 impose duties on managers of Houses in Multiple Occupation (HMOs) in respect of the repair, maintenance, cleanliness and good order of the house and the facilities and equipment in it. A person who fails to comply with these Regulations commits an immediate offence under section 234(3) of the Housing Act 2004, punishable on summary conviction with an unlimited fine or the imposition of a civil penalty of up to £30,000.

Although no enforcement notices can be served under these regulations, an informal attempt to secure compliance by the landlord will normally be made before deciding on prosecution or issue of civil penalty as a course of action, for example initially sending a letter to require works.

### **Temporary Exemption Notice**

Where a landlord is, or shortly will be, taking steps to make an HMO non-licensable, the Council may serve a Temporary Exemption Notice (TEN). A TEN can only be granted for a maximum period of three months. A second three month TEN can be served in exceptional circumstances. A TEN may be served where an owner of a licensable HMO states in writing that he/she is taking steps to make an HMO non-licensable and states that the HMO will not be licensable within three months.

### **HMO declaration**

In circumstances where an application for a licence has not been received because the owner of an HMO disagrees with the Council's assertion that a certain building is an HMO, then the Council will make an HMO declaration. This has the effect of formalising the Council's decision. An owner may appeal this decision to the FTT. The decision of the FTT is final.

### **Management Orders**

The Council is under a duty to make an interim management order where a property is required to be licensed and they consider that either:

- That there is no reasonable prospect of it being licensed in the near future, or
- That the health and safety of the occupants requires protecting.

The making of such an order, agreed by the FTT, would effectively result in the Council taking over the management of the property. The Council may also then apply for a Rent Repayment Order.

## **Sanctions for Non-Compliance for all types of Housing Legislation**

If a Notice or Order is complied with or amendments are required to the Notice as a result of new information, a 'Revocation Notice' will be served confirming that the original Notice or Order has been revoked.

However, if the Notice is not complied with, the following sanctions will usually be considered:

- issuing a financial penalty
- Rent Repayment Order
- prosecution
- formal caution
- Banning Order
- Making an entry in the Rogue Landlords Database
- carrying out the works in default;
- carry out works in default and issuing a civil penalty, prosecution or formal caution

### **Financial Penalties**

Since 6 April 2017, local housing authorities have had the power to impose civil (financial) penalties of up to £30,000 on individuals and organisations as an alternative to prosecution, to use robustly as a way of clamping down on criminal landlords.

The statutory guidance recommends that the actual amount of financial penalty imposed should reflect the severity of the offence and consider the landlord's previous record of offending. Fundamentally, civil penalties will be set such that it costs less to comply with the legislation and standards than the cost of not complying.

The statutory guidance recommends that, in order to ensure that the civil penalty is set at an appropriate level, local housing authorities should consider the following factors:

- The severity of the offence
- The culpability and track record of the offender
- The harm caused to the tenant
- The punishment of the offender
- Whether it will deter the offender from repeating the offence
- Whether it will deter others from committing the offence
- Whether it will remove any financial benefit the offender may have obtained as a result of committing the offence

The factors used by the Sanctions Panel in determining a penalty are outlined in Appendix A of this policy.

The Housing and Planning Act 2016 section 126 and Schedule 9 enables the Council to impose a civil penalty as an alternative to prosecution for certain Housing Act 2004 offences:

- Section 30 – Failure to comply with an Improvement Notice

- Section 72 – Offences in relation to licensing of HMOs
- Section 95 – Offences in relation to selective and additional licensing of houses under Part 3 of the Act
- Section 139 – Offences of contravention of an overcrowding notice
- Section 234 – Failure to comply with HMO Management Regulations

Civil penalties can only be used as an alternative to prosecution for these offences. Although only one civil penalty can be issued (as an alternative to prosecution) for each of the first 4 offences listed above, a civil penalty can be issued for each separate breach of the HMO Management Regulations.

Where the Council is in a position to prosecute a letting agent and landlord for failing to obtain a licence for a licensable HMO, it has the option of imposing a (civil) financial penalty on the letting agent and the landlord as an alternative to prosecution. Where the letting / managing agent and landlord have committed the same offence, the Council can impose a civil penalty on both of them at different levels, depending on the circumstances of the case.

Where a civil penalty is imposed and an appeal is subsequently made to the FTT, the Council will need to be able to demonstrate beyond reasonable doubt that the offence had been committed.

Financial penalties can also be imposed under the following legislation:

- Regulation 4 – Failure to comply with a Remedial Notice served under the Electrical Safety Standards in the Private Rented Sector (England) Regulations 2020
- Regulation 38 – Penalty notices relating to breaches of The Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015
- Regulation 8 – Penalty charges relating to breaches of The Smoke and Carbon Monoxide Alarm (England) Regulations 2015

As the Council is allowed to retain the income it receives from civil penalties, this course of action will also provide the Council with the opportunity to increase its housing enforcement activity within the borough.

### **Rent Repayment Orders**

A rent repayment order (RRO) is an order made by the First-tier Tribunal (Property Chamber) requiring a landlord to repay a specified amount of rent, capped at 12 months.

The Housing Act 2004 introduced rent repayment orders to cover situations where the landlord of a property had failed to obtain a licence for a property that was required to be licensed, specifically offences in relation to licensing of HMOs.

Rent repayment orders have since been extended through the Housing and Planning Act 2016 to cover a much wider range of offences, described below:

- Failure to comply with an Improvement Notice (under section 30 of the Housing

- Act 2004)
- Failure to comply with a Prohibition Order (under section 32 of the Housing Act 2004)
  - Breach of a Banning Order made under section 21 of the Housing and Planning Act 2016 (from April 2018);
  - Using violence to secure entry to a property (under section 6 of the Criminal Law Act 1977)
  - Illegal eviction or harassment of the occupiers of a property (under section 1 of the Protection from Eviction Act 1977)

Rent repayment orders can be granted to either the tenant or the local housing authority. If the tenant paid their rent themselves, the rent must be repaid to the tenant. If rent was paid through Housing Benefit or through the housing element of Universal Credit, the rent must be repaid to the local housing authority. If the rent was paid partially by the tenant with the remainder paid through Housing Benefit/Universal Credit, the rent would be repaid in equivalent proportions.

A rent repayment order can be made against a landlord who has received a civil penalty in respect of an offence, but only at a time when there is no prospect of the landlord appealing against that penalty.

The Council must consider a rent repayment order after a person is the subject of a successful civil penalty and in most cases the Council will subsequently make an application for a rent repayment order to recover monies paid through Housing Benefit or through the housing element of Universal Credit.

We will notify tenants of their rights to apply for a RRO and will provide a statement in support of that application. Landlords will be advised when such a notification takes place.

### **Prosecution**

In cases where consideration is being given to prosecution or administration of a Simple Caution, or in the case of certain specified Housing Act 2004 offences the administration of a civil penalty, the Environmental Health Enforcement Decision Matrix will be used to help reach a conclusion. A copy of this is attached as Appendix B to this Enforcement Policy. The Decision Matrix will be used in conjunction with a Sanctions Panel being convened.

Where an officer believes that an offence has been committed and a prosecution is appropriate, The Environmental Health Manager must be consulted and give their agreement to the proposed course of action.

The decision to prosecute does not preclude the issue of legal notices as well. Prosecutions have a preventative role in drawing attention to the need for compliance and the maintenance of good standards.

The Council will apply the principles of the Criminal Procedures & Investigations Act 1996 and Crown Prosecutors statutory Code of Practice, as well as Home Office Guidance, when making decisions on the course of action to be taken in any particular case.

In deciding whether to prosecute or not, we will consider the following matters, as listed

in the main Environmental Health and Licensing Enforcement Policy: -

The gravity of the offence/s, for example whether: -

- there has been blatant disregard for the law, deliberate intent or negligence
- there are persistent poor standards and malpractice
- there has been an injury or a case of ill health as a result of a substantial legal contravention
- a particular contravention has caused serious public alarm
- those affected are particularly vulnerable

The general record and approach of the offender, for example: -

- repeated breaches of legal requirements or license conditions or various breaches of a multiple concern and, where it appears that an individual or a company is neither willing nor able to deal adequately with these
- failure to comply with statutory notices where matters of significant concern are persistent rather than transitory
- previous convictions or cautions which are relevant to the offence.

### **Simple Caution where an offence is admitted:**

This procedure is an alternative to taking action in the Courts. Should a further offence be committed, it may be cited in any subsequent Court proceedings. A Simple Caution is a serious matter and it is recorded by the Council and where applicable on the Police National Computer. Cautioning is recognised as an important way of keeping offenders out of Court and in many circumstances reducing the risk that they will re-offend.

In considering and issuing simple cautions we will have regard to the Ministry of Justice Guidance April 2013 – Simple Cautions for Adult Offenders, as well as the Environmental Health Enforcement Decision Matrix and Sanctions Panel, as described above.

The caution will be administered by a Senior Officer who has been designated a 'Cautioning Officer' (e.g. the Environmental Health Manager).

### **Banning Orders**

Since April 2018 local authorities have had the ability to apply to the First Tier Tribunal (Property Chamber) (FTT) to request a banning order against landlords or letting agents who have been convicted of a banning order offence. This has the effect of banning a landlord or letting agent from letting housing, engaging in letting agency or property management work, and/or from holding an HMO licence. Banning orders are for a minimum of 12 months and it is a criminal offence to breach one.

An application can only be made against a landlord or letting agent following their conviction by the authority for a specified banning order offence. The relevant offences are listed in the legislation, but include:

- Unlawful eviction and harassment of occupier
- Using violence to secure entry
- Failure to comply with an Improvement Notice
- Failure to comply with a Prohibition Order
- Certain offences in relation to HMO's

- Serious criminal offences committed against the tenant or related to the housing in question, and subject to sentencing in the Crown Court.

In considering whether to apply for a banning order, the following factors will be considered:

- The seriousness of the offence – the more severe the sentence, the more appropriate a banning order.
- Previous convictions or entries on the Rogue Landlords Database – a longer ban may be appropriate if there is such a history.
- The likely effect of the banning order including the harm caused to the tenant, punishment of the offender and likely deterrent effect on recurrence or others.

### **Rogue Landlords database**

This is a relatively new tool introduced by government to assist housing authorities in England to keep track of criminal landlords and letting agents. Designated users within local housing authorities can view all entries, including those made by other local authorities.

The process of making an entry in the database is governed by statutory guidance. An entry *must* be made when a person or organisation has received a banning order, and *may* be made where:

- A person or organisation is convicted of a banning order offence that was committed at a time when the person was a residential landlord or property agent
- A person or organisation has received two or more financial penalties in respect of banning order offences within a period of 12 months, committed at a time when the person was a residential landlord or property agent.

Before an entry in the database is made, a decision notice must be issued to the offender, specifying the period for which an entry will be maintained, which will be at least two years. The decision notice must be served within 6 months of the conviction for a banning order offence or receipt of a second civil financial penalty.

Consideration will always be given to this course of action in eligible circumstances. In considering whether to make an entry and the length, the following factors will be considered:

- The severity of the offence
- Mitigating factors, such as health issues or bereavement
- Culpability and serial offending
- Likely deterrent effect on the offender and on others

### **Works in Default**

The Council has powers under the Housing Act 2004 and other legislation to carry out works in default where a person has been required to do works by formal Notice or Order, but has failed to either start works or make adequate progress.

Works in default will generally be limited to situations where there is a strong public health imperative to complete works to resolve a serious legal contravention. All works in default will be considered on a case by case basis.

In determining if work in default is appropriate, Officers will consider the following:

- the effects of not carrying out the work on the health, safety and wellbeing of the occupant/s of the property concerned;
- the wishes of the occupier/s
- the reason/s for the work not being carried out in the first place
- the costs and complexity of carrying out the works in default
- the options and likelihood of eventual recovery of Council costs

In most circumstances, a person will be given notice of the Council's intention to carry out works in default. As soon as the Council has commenced the works, it is an offence for any person to obstruct the Council or any of its contractors or agents employed to carry out the works.

Works in Default costs will be fully recoverable, including the Council's full administrative costs. Interest will be chargeable until the amount is repaid.

The charges levied for the works and the associated costs will become a legal charge on the property until it is paid in full. In most cases, interest is also charged on the unpaid charges. The debt will be pursued, potentially via the civil courts, in addition to registering it as a legal charge on the property. An enforced sale of the property may be considered should this be deemed appropriate.

In some cases, it may be appropriate to impose two sanctions for example, carrying out work in default and also issuing a civil penalty or prosecuting the offender.

## **Other Enforcement Options**

### **Proceeds of Crime**

In certain cases, a financial investigation may be undertaken by the Council's Accredited Financial Investigator, to determine if action under the Proceeds of Crime Act 2002 is appropriate following prosecution. The findings of a financial investigation may also be used to inform the decision on whether to pursue enforcement of certain Housing Act 2004 offences by means of prosecution or by means of civil penalties, as well as the level of civil penalty to be applied.

### **Interim Management Order and Final Management Order**

Where there is no prospect of an HMO being licensed or the health and safety condition is satisfied, the Council is required to make an Interim Management Order. This enables the Council to take over the management of an HMO and become responsible for the running of the property and collecting rents for up to one year. In extreme cases this can be extended as a Final Management Order to five years with the Council also having the power to grant tenancies.

The Council will only use these powers in exceptional circumstances. These orders can only be made with the authorisation of the First Tier Tribunal (Property Chamber).

### **Interim and Final Empty Dwelling Management Order**

Where property has been left empty for at least 6 months the Council has the power to ask the First Tier Tribunal (Property Chamber) for approval to issue an interim Empty Dwelling Management Order (EDMO). This gives the Council the power to take over

the management of the house and seek to ensure it becomes occupied. The Council is required to engage with the owner to try and reach a solution before applying for such an order, which may last up to 1 year. This interim order may then be made final with the approval of the First Tier Tribunal (Property Chamber) if a solution has not been found in the first year. This final EDMO can last up to 7 years. These powers will only be considered in very exceptional circumstances.

### **Compulsory Purchase Order**

This option is only taken up in exceptional circumstances, for example:-

- Where the property has been derelict for some time and is having a detrimental effect on the local environment or neighbouring properties; or
- Where the property appears to be abandoned and the owner cannot be traced; or
- Where all other avenues for bringing the property back to a useful life have been exhausted; or
- Where the property is suitable for immediate residential use, but is not likely to be occupied for residential purposes unless bought by the Council.

The making of a CPO has to be agreed by the relevant Portfolio holder, by the Executive and full Council. The Ministry for Housing, Communities and Local Government must then approve it before it can be made.

### **Vacated properties with Statutory Notice**

In cases where properties are subject to a statutory notice and the property is subsequently vacated, all notices or orders will be reviewed to consider whether the impact of any hazard has diminished, and whether notices or orders may be varied, suspended or revoked.

## **Other Housing Related Legislation Enforced by Environmental Health**

### **Environmental Protection Act 1990 and other legislation**

The Environmental Protection Act 1990 defines statutory nuisance and gives the Council power to serve an Abatement Notice requiring the owner to remedy a building that is so far defective as to be prejudicial to the health of its occupier or a nuisance. Examples of such nuisances could include rainwater penetration through defective roof or windows, rising or penetrating dampness and condensation, defective (rotten) timber flooring, elements exhibiting structural failure e.g. ceilings, and dangerous fixtures and fittings.

### **Public Health Act 1936**

Though much of this Act has been repealed or its provisions resurrected in other legislation, it still provides the Council with power to require by notice the repair of defective sanitary facilities and the clearance, cleansing and, if necessary, fumigation of premises that are filthy and verminous. It also extends statutory nuisance provisions, (now in the Environmental Protection Act) to tents, vans, sheds (agricultural/migrant worker type accommodation) or canal boats used as dwellings.

### **Public Health Act 1961**

This Act still provides the Council with power to require by notice the unblocking of stopped-up drains or minor repairs to private drains. At the request of an owner, the Council may undertake the repair of a private drain and recover its costs from the owner.

### **Local Government (Miscellaneous Provisions) Act 1976**

This Act gives the Council powers to require details of the ownership of buildings and land, to intervene to bring about the restoration of disconnected services (electricity, gas, or water), and secure the unblocking of stopped up private drains in shared use.

### **Local Government (Miscellaneous Provisions) Act 1982**

This Act gives the Council power to require the making secure, by boarding up or otherwise, of empty buildings (including houses) to prevent unauthorised entry and/or where the building is likely to become a danger to the public.

### **Building Act 1984**

Although primarily concerned with ensuring the safety of new buildings through the application of Building Regulations, the Building Act 1984 includes powers for the Council to adopt an accelerated procedure for dealing with defects in buildings that amount to statutory nuisances (see EPA 1990 above), to require major repairs to drainage systems, provide replacement toilets and to deal with ruinous or dilapidated buildings including empty homes.

### **Prevention of Damage by Pests Act 1949**

Notice can be served where steps should be taken for the destruction of rats or mice on the land or to keep the land free from rats and mice. Notice may be served on the owner or occupier of the land or property requiring works to clear, proof or treat the land from existing or likely pest infestations.

### **The Smoke and Carbon Monoxide Alarm (England) Regulations 2015**

Where the Council has reasonable grounds to believe that the requirements of these Regulations have not been met by a landlord, there is a duty on the Council to serve a 'remedial notice'. Failure to comply with a remedial notice imposes a further duty on the Council to arrange remedial action and a power to require payment of a penalty charge.

The legislation requires the Council to have in place a Statement of Principles regarding their use. This is provided at Appendix C of this policy and includes details of the penalty charges for non-compliance.

### **Energy Efficiency (Private Rented Property) (England and Wales) Regulations 2015**

These Regulations establish a minimum energy efficiency standard for domestic privately rented property, and since 1<sup>st</sup> April 2020 apply to all relevant properties. Where the Council believes that a landlord may be in breach of the prohibition on letting a sub-standard property, a compliance notice may be served requiring information from that landlord to help them to decide whether there has been a breach.

If the Council is satisfied that there is a breach of the requirements, a financial penalty

may be imposed, up to the maximum limits set by the Regulations. In addition, the Council may utilise a 'publication penalty', and publish some details of the landlord's breach on the publicly accessible part of the PRS Exemptions Register, for at least 12 months.

### **Electrical Safety Standards in the Private Rented Sector Regulations 2020**

These Regulations concern the minimum standards applying to the testing and condition of electrical installations in privately rented accommodation. They require landlords to have the electrical installations in their properties inspected and tested by a person who is qualified and competent, at least every 5 years. Landlords must provide a copy of the electrical safety report to their tenants, and if requested to the Council.

The Regulations impose a duty on the Council to serve a remedial action notice where it considers there to be a breach and provides powers to take remedial action and recover the costs of doing so. It also provides for Civil Financial Penalties to be imposed for breaches of the Regulations.

### **The Redress Scheme**

The Redress Schemes for Lettings Agency Work and Property Management Work (Requirement to Belong to a Scheme etc) (England) Order 2014 introduced a requirement for letting agents and property managers to belong to an approved redress scheme. The redress scheme must be approved by Government or designated as a Government administered redress scheme.

Where the Council is aware of an offence, it is required to take enforcement action relating to activities undertaken within the borough and may serve a Notice on the perpetrator requiring the payment of a monetary penalty of an amount determined by the Council.

The expectation in Government guidance is that a monetary penalty of £5,000 should be considered the norm and the penalty must not exceed this amount. A lower penalty should only be charged if the Council is satisfied there are extenuating circumstances.

Where a Notice is served requiring a monetary penalty, there is a right to appeal at the First-tier Tribunal, and the Notice is suspended until the appeal is determined or withdrawn.

### **Mobile Homes**

The Council is empowered under the Caravan Sites and Control of Development Act 1960 (CSCDA) to licence caravan sites, both residential and non-residential. The CSCDA permits the Council to place conditions on licences with a view to protecting the health and safety of occupiers, both permanent and visitors, and by requiring the provision and proper maintenance of basic amenities.

The Mobile Homes Act 2013 amended the CSCDA and made changes to the law relating to the licensing of residential caravan sites (referred to as 'relevant protected sites' in the legislation). The new licensing regime for such sites enables the Council to monitor site licence compliance more effectively and to take enforcement action where necessary. The legislation includes the ability to set fees in relation to relevant protected sites to enable the recovery of the costs of licensing such sites.

The Council's 'Licensed Mobile Homes Procedure' provides detail on the scope and application of the mobile home licensing regime, as well as the procedure for issuing, transferring and varying a licence.

### **Enforcement Options for Licensed Residential Caravan Sites**

The Mobile Homes Act 2013 amended the CSCDA to provide a range of enforcement options relating specifically to 'relevant protected sites';

- Compliance Notices – can be served for failure to comply with licence conditions, and the expenses incurred can be recovered. Failure to comply with a Compliance Notice is an offence and is liable to an unlimited fine on conviction.
- Works in default – following conviction for failure to comply with a Compliance Notice, the Council can take steps itself to undertake works to secure compliance and can recover the costs involved.
- Emergency Action – the Council can take emergency action where there is failure to comply with licence conditions and an imminent risk of serious harm to the health and safety of any person who is or may be on the land and can recover the costs involved.
- Revocation of the licence – can be sought where the licence holder has been convicted of certain offences on a number of occasions.

### **Approach to Enforcement of Licensed Residential Caravan Sites**

The Council's approach to enforcement of licensed residential caravan sites will be slightly different to that outlined in the rest of this Housing Enforcement Policy. This is primarily because the Deregulation Act 2015 relating to protection from retaliatory eviction of tenants who have made complaints about housing conditions, does not apply in these sites. There will therefore be a more graduated approach to enforcement taken at these sites.

Where possible, an informal approach will be taken in the first instance, except where there is a significant risk to health or damage to property, or evidence of previous non-compliance. This would mean working towards an agreed schedule of works to achieve the necessary outcome within reasonable timescales.

While formal enforcement action will generally be focused on poorly managed or badly run sites and will be risk based, if an informal approach does not achieve compliance, then action will be escalated to formal enforcement. Consideration will be given to the level of risk presented by breaches of licence conditions, particularly where the impact of the breach is only upon the individual home owner and may possibly have existed for some time under the previous licensing legislation.

Licence conditions cannot be imposed or enforced upon the fabric of the mobile home itself, as this is the property of the home owner and outside the control of the site operator and the scope of the licence conditions.

Enforcement action will be based on the appropriate legislation. For example, if there are breaches of planning conditions, this will be referred to the Planning Service, while issues with elements of fire safety measures will be the responsibility of Surrey Fire and Rescue Service. Complaints about landlord harassment will be the responsibility of the Housing Options Service. Only matters relating to the site licence conditions will be enforced by the Environmental Health Service.

### **The Mobile Homes (Requirement for Manager of Site to be Fit and Proper Person) (England) Regulations 2020**

These Regulations were made on 23 September 2020 and require all site owners to submit an application to be assessed as fit and proper persons, between 1<sup>st</sup> July 2021 and by 1<sup>st</sup> October 2021.

The site owner must apply to the Council to be included, or for their appointed site manager to be included, on a register of fit and proper persons. A site owner may only apply if they hold or have applied for a site licence for the site. The same requirements apply where the owner or the site manager is a non-natural person (such as a company).

Applicants must show that there are suitable financial and management arrangements in place for the site and provide information relating to their previous conduct, including providing a basic Disclosure and Barring Service (DBS) certificate.

The legislation includes the ability to set fees in relation to applications to be included on the register of Fit and Proper Persons, as well as to charge annual fees. These are as set out in the published 'Reigate and Banstead Borough Council Fees Policy for Licenced Mobile Home Sites'.

In exceptional circumstances where the site licence holder has been unable to find a fit and proper site manager to put forward, they can approach the Council to discuss if it can appoint a suitable alternative person. The identified person would have to undergo the fit and proper test and their details be included on the register. If this action were to be required, the Council would seek full cost recovery of all officer time and any other resources required to undertake this action, in accordance with the published 'Reigate and Banstead Borough Council Fees Policy for Licenced Mobile Home Sites'.

The Council's 'Licensed Mobile Homes Procedure' provides detail on the scope and application of the fit and proper persons regime, as well as the procedure for applying to the register and the options that the Council may take to include or refuse an applicant on the register, including with the imposition of conditions. Applicants have a right of appeal to the First-tier Tribunal (Property Chamber) against the Council's decisions.

### **Publicity**

The Council may publicise successful enforcement outcomes against businesses, licensees and individuals for housing and environmental health offences. Names of companies and individuals convicted of environmental health offences may be published on the Council's website. Cases subject to appeal will not be published, and to account for the appeals process a period of 10 weeks will be allowed to elapse following conviction before a case is added. Where the Council is notified of an appeal outside this time period, the case will be removed from the site.

Names of companies and individuals subject to a Civil Financial Penalty will not be released, as this information is not in the public domain in the same way that convictions are. However, details of the enforcement action taken, including the location of the property concerned may be published.

## **Publication of Enforcement Decisions**

Certain enforcement decisions will be published via the Council's website. This will include:

- Date of the decision
- What the decision was
- Who made it
- The reasons for the decision
- Options considered
- Any relevant conflicts of interest

## **Review of the Policy**

This enforcement policy will be regularly reviewed either annually, or as necessary due to changes in legislation or new guidance from the Government, the Council or appropriate professional bodies.

## **Complaints**

The Environmental Health service subscribes to the Council's Corporate Complaints and Appeals Procedure. In addition, statutory Appeal rights exist where Notices are served or charges levied and these are set out in the legislation.

If you do not agree with any action taken by an officer you should contact the Environmental Health Manager whose details are given below.

If you feel we have given an unsatisfactory service contrary to these criteria, you can complain direct to:

**Environmental Health Manager  
Reigate & Banstead Borough Council  
Town Hall, Castlefield Road,  
Reigate, Surrey RH2 0SH  
E-mail:[Katie.jackson@reigate-banstead.gov.uk](mailto:Katie.jackson@reigate-banstead.gov.uk)  
<http://www.reigate-banstead.gov.uk/>  
Tel. No. 01737 276309**

**This Enforcement Policy supersedes and replaces all earlier housing enforcement policies relating to Reigate & Banstead Borough Council Environmental Health Services.  
September 2021**

## **Appendix A: Factors taken into account when deciding the level of civil penalty**

The financial penalty for each case will be agreed by a Sanctions Panel. The Panel will include the investigating officer/s for the case, the Environmental Health Team Leader and the Environmental Health Manager. A member of the Council's Legal Team may also be asked to participate.

In order to ensure that the civil penalty is set at an appropriate level, the panel will consider the following factors the Government has identified in its statutory guidance as being pertinent:

- a. The severity of the offence**
- b. The culpability/ responsibility and track record of the offender**
- c. The harm caused to the tenant**
- d. The punishment of the offender**
- e. Whether it will deter the offender from repeating the offence**
- f. Whether it will deter others from committing the offence**
- g. Whether it will remove any financial benefit the offender may have obtained as a result of committing the offence.**

The final factor is the overarching one and, after all the other factors have been considered and applied, the Council will need to ensure that **the civil penalty that is set removes the financial benefit that has been gained from committing the offence.**

When setting a civil penalty, the panel will also take into account the cost of investigating the offence/s and preparing the case for formal action, together with any costs that it incurs in defending its decision at the First-tier Tribunal.

### **The costs of investigating, determining and applying a civil penalty**

In keeping with the key principle of ensuring that the costs of enforcement are borne by the offender (rather than by good, responsible landlords), the costs associated with investigating, determining and applying a civil penalty will be reflected in the level of civil penalty that is imposed.

Cases that result in the Council issuing civil penalties clearly entail investigative and preparation costs and may involve costs in defending an appeal. These costs, comprising resources and officer time, will be built into the civil penalty charge.

The final civil penalty amount is made up of two main financial elements – the **investigative** charge and the **punitive** charge.

## Investigative charges

Investigative costs will be calculated for each of the offences that are covered by civil penalties by considering the number of hours taken to complete the work, the hourly rate of the Officers involved and the service on-costs.

If an investigation leads to more than one civil penalty being imposed, the initial fixed investigatory costs will be divided equally and added to each civil penalty. There will only be one set of investigatory charges for each investigation/ operation undertaken by the Council.

## Punitive charges

The guiding principle here is to ensure that the offender does not benefit as a result of committing an offence, i.e. it should not be cheaper to offend than to ensure a property is well maintained and properly managed.

In order to ensure that the punitive charge is set at an appropriate level, the Council will complete its investigation and consider all of its findings against the factors identified in the statutory guidance.

The Council has created a table of punitive charges (based on Culpability and Harm) that the Sanctions Panel will refer to when determining the level of civil penalty that should be imposed:

		CULPABILITY			
		Low	Medium	High	Very High
H	Low	£2,000	£3,000	£4,000	£5,000
A	Medium	£3,000	£6,000	£8,000	£10,000
R	High	£4,000	£8,000	£12,000	£18,000
M	Very High	£5,000	£10,000	£18,000	£27,000

Government Guidance recommends that 'the actual amount imposed in any case should reflect the severity of the offence and take into account the landlord's previous record of offending'.

Aggravating factors in the case will increase the initial amount and, equally, any mitigating factors will reduce the initial amount. Relevant aggravating factors might be previous history of non-compliance, poor or no explanation offered, or blatant failure to control the circumstances leading to the offence.

## Defence charges

A person who has been issued with a civil penalty has a right of appeal to the First-tier Tribunal and this will involve a re-hearing of the Council's decision to impose the civil penalty. The Tribunal has the power to confirm, vary (increase or reduce) or cancel the civil penalty that the Council has issued.

The Council intends to defend its decision to issue civil penalties rigorously and this may involve both Officer time and additional legal support.

The Council will robustly seek to recover its legal costs in any event that it is entitled to do so.

### **Financial means to pay a financial penalty**

In setting a financial penalty, the panel may conclude that the offender is able to pay any financial penalty imposed, unless the offender has supplied suitable and sufficient financial information to the contrary.

It is for the offender to disclose to the Council such data relevant to their financial position as will enable the Council to assess what s/he can reasonably afford to pay.

Where the Council is not satisfied that it has been given sufficient reliable information, it will be entitled to draw reasonable inferences as to the offender's financial means from the evidence it holds and from all of the circumstances of the case which may infer that the offender can afford to pay any financial penalty.

As some landlords will own more than one property, it is likely they will have assets they can sell or borrow against. After taking account of any mortgages on the property, the Council will determine the amount of equity that could be released from the property. If an offender claims that they are unable to pay a financial penalty and shows that they have only a low income, consideration will be given to whether any of the properties can be sold or refinanced.

In certain cases, a financial investigation may be undertaken by the Council's Accredited Financial Investigator, to assist in determining the level of civil penalty to be applied.

## Appendix B: Environmental Health Enforcement Decision Matrix

The Environmental Health and Licensing Enforcement Policy and its complementary Housing Enforcement Policy requires that in cases where consideration is being given to prosecution or administration of a Simple Caution, or in the case of certain specified Housing Act 2004 offences, the administration of a civil penalty, the Environmental Health Enforcement Decision Matrix will be used to help reach a conclusion. In the case of certain housing offences, this will be done in conjunction with a Sanctions Panel being convened, as described in the Housing Enforcement Policy.

### Prosecution / Simple Caution/ Civil Penalties Verification Scoring Scheme

Name and address of premises or alleged offender:

#### Part One

Criterion	Score	Total
<b>Risk to Health or Safety</b>		
No risk to health safety or animal welfare	1	
Risk to health or safety possible, but unlikely	10	
Cause minor ill effect, potential for more serious effect in more vulnerable groups or Significant breaches of legislation/failure to return requisition	15	
Identified or potential serious risk to health safety or animal welfare	20	
<b>Previous History</b>		
No previous history with the Local Authority	0	
Have reacted to previous advice, change usually effective	4	
Do not react to advice, change not always effective, confidence in management is moderate	8	
Compliance with advice is low, confidence in management /licensee is low	12	
Failure to respond to previous advice	16	
<b>Ability of Witnesses</b>		
Witnesses would rather not attend court but might be persuaded	1	
Witness would require witness summons to attend	2	
Witness willing to attend but may not be effective under cross examination	3	
Witness willing to attend and will be effective	4	
<b>Willingness to prevent recurrence</b>		
Steps taken to prevent recurrence, confidence that these steps will be effective	2	
Steps taken to prevent recurrence, doubts that these will be effective	4	
Steps promised to prevent recurrence but confidence is low that promise will be fulfilled	6	
Not willing to prevent recurrence, no confidence that the person/proprietor/licensee is capable of preventing recurrence	8	
<b>Probable public benefit</b>		
Penalty/publicity will have very limited value	1	
Penalty/publicity will ensure improvement in the case in question	2	
Penalty/publicity will prevent other similar offences	3	
<b>Explanation offered by defendant</b>		
Explanation appears satisfactory, factors appear to have been beyond defendant's control	3	
Explanation shows that prevention was possible but that necessary steps had not been taken	6	
Explanation poor, blatant failure to control circumstances leading to offence	9	
No explanation offered, wilful disregard for public health	12	
	<b>Total</b>	

Officer to apply one score from each section. The total score will help determine the course of action to be taken:

**Decision:** **Score:**

Take action within the Enforcement Policy 0-23

Proceed to Prosecution / Simple Caution / Civil Penalty 24-63

**Recommendation of Investigating Officer**

Signed \_\_\_\_\_ Date \_\_\_\_\_

---

**Part 2**

**Prosecute / Simple Caution / Civil Penalty Decision Matrix**

The decision to prosecute, issue a civil penalty or to offer a simple caution should be made using the following two-stage process. Tick the appropriate response to each criterion and total the number of ticks in each column. The total number of ticks will influence the decision.

Stage 1

Criterion	Civil Penalty or prosecute	Offer Caution
Is the offence serious?	Yes	No
Is the offender old or infirm?	No	Yes
Has the offender a previous history of offending	Yes	No
Is the offender willing to prevent a recurrence of the problem?	No	Yes
Would a prosecution be in the public interest?	Yes	No
Has the offender offered a reasonable explanation?	No	Yes

Stage 2

Is the use of a simple caution appropriate given the circumstances of the case?  
No/Yes

**Recommendation of Investigating Officer/Sanctions Panel:**

Prosecute / Simple Caution / Civil Penalty

Signed \_\_\_\_\_ Date \_\_\_\_\_

Further to the outcome decided above additional factors should be considered in all cases. This is because the standard of evidence required for issue of a civil penalty is 'beyond reasonable doubt', as is required for all prosecutions and simple cautions. An assessment of the Full code Test described in the Crown Prosecution Service Code for Crown Prosecutors 2013 follows on page 3.

Guidance on the code can be found here:  
<https://www.cps.gov.uk/publication/code-crown-prosecutors>

## **The Full Code Test**

The Full Code Test has two stages: **(i) the evidential stage**; followed by **(ii) the public interest stage.**

In most cases, prosecutors should only decide whether to prosecute after the investigation has been completed and after all the available evidence has been reviewed. However there will be cases where it is clear, prior to the collection and consideration of all the likely evidence, that the public interest does not require a prosecution. In these instances, prosecutors may decide that the case should not proceed further.

Prosecutors should only take such a decision when they are satisfied that the broad extent of the criminality has been determined and that they are able to make a fully informed assessment of the public interest. If prosecutors do not have sufficient information to take such a decision, the investigation should proceed and a decision taken later in accordance with the Full Code Test.

Prosecutors must be satisfied that there is sufficient evidence to provide a realistic prospect of conviction against each suspect on each charge. They must consider what the defence case may be, and how it is likely to affect the prospects of conviction. **A case which does not pass the evidential stage must not proceed, no matter how serious or sensitive it may be.**

The finding that there is a realistic prospect of conviction is based on the prosecutor's objective assessment of the evidence, including the impact of any defence, and any other information that the suspect has put forward or on which he or she might rely. It means that an objective, impartial and reasonable jury or bench of magistrates or judge hearing a case alone, properly directed and acting in accordance with the law, is more likely than not to convict the defendant of the charge alleged. This is a different test from the one that the criminal courts themselves must apply. A court may only convict if it is sure that the defendant is guilty.

### **(I) THE EVIDENTIAL STAGE**

When deciding whether there is sufficient evidence to prosecute, prosecutors should ask themselves the following:

**Is there sufficient evidence to provide a realistic prospect of conviction?**

**Can the evidence be used in court?**

Prosecutors should consider whether there is any question over the admissibility of certain evidence. In doing so, prosecutors should assess:

1. the likelihood of that evidence being held as inadmissible by the court;  
and
2. the importance of that evidence in relation to the evidence as a whole

**Is the evidence reliable?**

Prosecutors should consider whether there are any reasons to question the reliability of the evidence, including its accuracy or integrity.

### **Is the evidence credible?**

Prosecutors should consider whether there are any reasons to doubt the credibility of the evidence.

Outcome of evidence test? **Pass** – Continue to next stage

### **(II) THE PUBLIC INTEREST STAGE.**

1. How serious is the offence?
2. What is the level of culpability of the suspect?
3. What are the circumstances of and the harm caused to the victim?
4. Was the suspect under the age of 18 at the time of the offence?
5. What is the impact on the community?
6. Is prosecution a proportionate response?
7. Other considerations unique to this case?

### **Possible defences and mitigating circumstances**

The code states that; 'When deciding the public interest, prosecutors should consider each of the questions set out above so as to identify and determine the relevant public interest factors tending for and against prosecution.'

Taking into account all the information from the evidence and public interest tests I am of the opinion that the facts tend for/against prosecution.

### **Decision of Environmental Health Manager**

I Agree / Disagree the decision to take formal action and prosecute the defendant/ issue a civil penalty (delete as appropriate).

Signed \_\_\_\_\_

Date \_\_\_\_\_

## **Appendix C: The Smoke and Carbon Monoxide Alarm (England) Regulations 2015 – Statement of Principles**

### **Introduction**

Since the 1st October 2015, a “relevant landlord” of a “specified tenancy” of residential premises must ensure during any period on or after 1<sup>st</sup> October 2015 when the premises are occupied under the tenancy that:

1. A smoke alarm is equipped on each storey of the premises on which there is a room used wholly or partly as living accommodation.
2. A carbon monoxide alarm is equipped in any room of the premises which is used wholly or partly as living accommodation and contains a solid fuel burning combustion appliance; and
3. Checks are made by or on behalf of the landlord to ensure that each prescribed alarm is in proper working order on the day the tenancy begins if it is a new tenancy.

### **Enforcement**

Where the Local Housing Authority has reasonable grounds to believe that:

- There are no or insufficient numbers of smoke alarms or Carbon Monoxide Detectors in the property as required by the regulations or;
- The Smoke Alarms or Carbon Monoxide Detectors were not working at the start of a tenancy or licence.

The Local Authority must serve on the Landlord in a method prescribed by the Regulations, a Remedial Notice, detailing the actions the landlord must take to comply with the Regulations. If after 28 days the Landlord has not complied with the Remedial Notice, the Local Authority may issue a penalty charge levied through a Penalty Charge Notice (PCN).

Where the Local Authority is satisfied that the Landlord is either unable or unwilling to carry out the work it must also undertake works in default in the manner specified in the Regulation. As the Act does not stipulate the type of detector and alarm, where works in default are taken, it has been determined that the Local Authority will install a battery operated smoke detector and alarm at every storey of the residential accommodation.

This may only provide a temporary solution if the property is deemed high risk due to:

- The mode of occupancy e.g. it is an HMO or building converted into one or more flats, and/or;
- It has an unsafe internal layout e.g. a fire escape route passes through a high-risk room, such as a living room or kitchen, and/or;
- It is 3 or more storeys in height.

In these circumstances, consultation with Surrey Fire and Rescue Service will be undertaken to consider the adequacy of the type and coverage of the smoke alarm

system, fire escape routes including escape windows and structural fire separation e.g. fire doors, walls and ceilings.

Any further works required to address serious fire safety hazards in residential property will be enforced using the Housing Act 2004, in accordance with this Housing Enforcement Policy.

In the circumstances where a Carbon Monoxide detector and alarm is required it will install a Battery powered CO detector with a 10 year sealed lithium battery that is CE marked and Kite marked to BS EN 50291-1 and BS EN 50291-2.

### **Principles to be followed in determining the amount of a Penalty Charge**

The Authority considers that in the interests of proportionality, a lesser penalty will be merited on the occasion of a first offence only; and that prompt payment of the penalty on that first occasion should attract a reduced penalty in recognition of early admission of liability.

The level of penalty should, however, as a minimum, cover the cost of all works in default, officer time, recovery costs, administration fee and a fine. This is reflected in the calculation of the first time offence charge.

The Legislation allows the Local Authority to set PCN levels up to a maximum of £5,000.

Having considered proportionality, the Housing Enforcement Policy and the interests of better regulation, repeat offences will attract a higher penalty in light of an offenders continuing disregard for the legal requirements and tenant safety.

### **Level of penalty Charge**

The penalty charge shall be set at £2,500 for the first offence but will be reduced to £2,000 if paid within a fourteen (14) day period from the date of service. This will be reflected in the fixed penalty notice as a works in default element plus the level of fine on top.

Offence	Level of FPN	Reduction
First offence	£2,500	-£500
Second and subsequent offence	£5,000	None

No discount will be given for prompt payment after the first occasion.

### **Recovery of Penalty Charge**

The local housing authority may recover the penalty charge as laid out in the Regulations on the order of a Court, as if payable under a Court Order.

### **Appeals in relation to a penalty charge notice**

The landlord can request in writing, in a period that must not be less than 28 days beginning with the day on which the penalty notice was served, that the local housing authority review the penalty charge notice.

The local housing authority must consider any representation and decide whether to confirm, vary or withdraw the penalty charge notice.

A landlord who is served with a notice confirming or varying a penalty charge notice may appeal to the First Tier Tribunal (Property Chamber) against the local housing authority's decision.

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**HOUSING ENFORCEMENT POLICY AND AMENDMENT TO THE OFFICER SCHEME OF DELEGATION**

The table in this Annex presents proposed changes to Schedule 3b of the Council's Constitution - The Officer Scheme of Delegation.

The table includes all columns in the current scheme of delegation and a further column to explain the reason that it is proposed to make an amendment. The final column will not be included in the new scheme of delegation - it is simply for explanation.

The paragraph number is labelled 'New', as these are for wholly new delegations. These numbers will be changed once the revisions are incorporated, to enable fully sequential numbering.

16 September 2021

**Housing Enforcement Policy and Amendment to the Officer Scheme of Delegation**

**Paragraphs to be added or amended in relation to Section 5 (Housing and other Residential Accommodation)**

Section of the Scheme of Delegation	Delegated function	Act(s)	Officer(s)	Consultation Required with	Non-Executive/Executive Function	Change and reason change is being proposed
New paragraph in Section 5	Exercise the Council's powers, duties and functions in relation to the enforcement of The Electrical Safety Standards in the Private Rented Sector Regulations 2020	The Electrical Safety Standards in the Private Rented Sector Regulations 2020	HoS with responsibility for Environmental Health	-	Executive	Addition, as this is new legislation.

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<b>SIGNED OFF BY</b>	Interim Head of Finance
<b>AUTHOR</b>	David Brown, Finance Manager, Luke Harvey, Project & Performance Team Leader, Pat Main, Interim Head of Finance
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<b>TO</b>	Overview and Scrutiny Committee Executive
<b>DATE</b>	Overview and Scrutiny Committee, Thursday, 9 September 2021; Executive, Thursday, 16 September 2021
<b>EXECUTIVE MEMBER</b>	Deputy Leader and Portfolio Holder for Finance and Governance, Portfolio Holder for Corporate Policy and Resources

<b>KEY DECISION REQUIRED</b>	N
<b>WARDS AFFECTED</b>	(All Wards);

<b>SUBJECT</b>	Quarter 1 Performance Report 2021/22
----------------	--------------------------------------

<b>RECOMMENDATIONS</b>
<b>That the Overview and Scrutiny Committee:</b>
(i) Note Key Performance Indicator (KPI) performance for Q1 2021/22 as detailed in the report and at Annex 1 and make any observations to the Executive;

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- (ii) Note the Budget Monitoring forecasts for Q1 2021/22 as detailed in the report and at Annex 2 and make any observations to the Executive;

That the Executive:

- (iii) Note Key performance Indicator performance for Q1 2021/22 as detailed in the report and at annex 1
- (iv) Note the Budget Monitoring forecasts for Q1 2021/22 as detailed in the report and at Annex 2

## REASONS FOR RECOMMENDATIONS

For the Council's performance to be reviewed and for appropriate KPI reporting and budget monitoring arrangements to be in place.

## EXECUTIVE SUMMARY

This report provides an overview of the Council's performance for Q1 2021/22, including Key Performance Indicator (KPI) reporting, as well as revenue and capital budget monitoring.

Of the ten KPIs reported on in Q1, eight are on target or within tolerance. Two indicators are off target.

Service and Central budgets are currently forecast to be in line with the Revenue Budget for 2021/22 that was approved in February 2021. The approved budget included separate forecasts for the ongoing financial impacts of the COVID-19 pandemic and this report includes updated forecasts based on the current position.

The impacts of the pandemic continue to be monitored closely and, while additional expenditure has continued to be contained within the funding provided by Government, use of Earmarked Reserves is likely to be necessary to offset forecast income losses if additional Government funding is not provided. Further details are provided in this report and at Annex 2.

The Capital Programme forecast for the year is £56.29m which is £84.79m (60%) below the approved Programme for the year. The variance is as a result of £84.28m slippage and a net underspend of £0.51m. Further details are provided in this report and at Annex 3.

**The Overview and Scrutiny Committee and Executive have the authority to approve their respective recommendations.**

## STATUTORY POWERS

1. Following the abolition of Best Value Performance Indicators (BVPI) in 2008 and the National Indicator Set (NIS) in 2010, there is no statutorily imposed framework for local authorities to manage performance.
2. The Local Government Act 1972 requires the Council to set the associated annual budget as part of proper financial management. This monitoring report is part of that process.

3. The Chief Finance Officer has a key role to play in fulfilling the requirements of the statutory duty under the Local Government Act 2003 to keep the authority's finances under review during the year and take action if there is evidence that financial pressures will result in a budget overspend or if there is a shortfall in income.

## BACKGROUND

4. Each quarter the Overview and Scrutiny Committee and Executive receive an update on the Council's performance. The report provides an overview of KPI as well as budgetary performance.
5. KPIs are service level performance measures and are set in order to demonstrate performance against key corporate objectives.
6. Quarterly budget monitoring is a key financial control mechanism that demonstrates that the Council is fulfilling its responsibilities for managing public funds.

## KEY INFORMATION

### Key Performance Indicators

7. Ten KPIs are reported on in Q1, the full detail of which is provided in annex 1.
8. Of the ten KPIs reported on, eight are on target or within the agreed tolerance. Two indicators are off target.
9. Those that are off target:
  - **KPI 2 – Business rates collection.** The recent recalculation of Retail Rate Relief (Covid-19 related) led to a number of first quarter instalments being set back to 1 August, resulting in this quarter's target not being met. Rates have been recalculated for the remainder of the year; we are therefore expecting collection to catch-up and improve in subsequent quarters.

There was £166k held in suspense at the end of the quarter, which, if included in the totals collected, would have brought the collection rate to within tolerance. A suspense account is used in instances where payment for business rates has been received but the payer is yet to be identified, thereby preventing allocation of the monies received to an account. Work is underway to allocate these balances.

- **KPI 10 – Recycling (reported one quarter in arrears).** Achieving the target of 60% is a stretch target, set within Surrey's Joint Waste Management Strategy, to which the Council is a signatory. Covid-19 continues to impact on tonnages and the composition of household waste. Despite this indicator being off target, however, Q4 of 2020/21 was the best result recorded for a Q4 by the Council. Q4 performance has helped to recover some of the losses from the impact of Covid-19 earlier in the year. Preliminary tonnages for 2020/21 show an approximate 2,500 net tonnage increase in paper and card, mixed recycling and food sent for reprocessing. However, this unfortunately was not enough to offset the increase in refuse and fly tipping, as well as the lost garden waste tonnage from the suspended service in Q1 of 2020/21.

Whilst the target for this indicator is a stretch target, the Council is actively taking steps to increase the borough's recycling performance by introducing the full

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kerbside collection service to more flats and introducing measures to prevent contamination at existing facilities. Since April 2021 an additional 500 flats have been added to the service at a time of unprecedented pressure from increased tonnages of recyclates and residual waste. In illustrating this positive direction of travel, in June 2021 the monthly recycling rate exceeded 60% for the first time.

## Revenue Budget Forecast

10. The 2021/22 Original Revenue Budget approved by Council in February 2021 was £17.395m.
11. At 30 June the forecast outturn for Services and Central Budgets is £17.674m against a management budget of £17.696m, including one-off funding from Reserves, resulting in an overall net underspend of £0.023m (0.1%).

<b>Table 1: REVENUE BUDGET MONITORING AT 31 JUNE 2021</b>	<b>Original Budget £m</b>	<b>In-Year Adjustments<sup>1</sup> £m</b>	<b>Management Budget £m</b>	<b>Forecast Outturn £m</b>	<b>Forecast Year-end Variance £m</b>
Service Budgets	16.240	0.301	16.541	16.517	(0.024)
Central Budgets	1.155	0.000	1.155	1.157	0.002
<b>Revenue Budget Forecast at 30 June</b>	<b>17.395</b>	<b>0.301</b>	<b>17.696</b>	<b>17.674</b>	<b>(0.022)</b>
Income losses due to ongoing COVID-19 impacts	0.000	0.000	0.000	2.319	2.319
Government Funding to offset Income Losses	0.000	0.000	0.000	(0.465)	(0.465)
<b>Revenue Budget Forecast at 30 June Including COVID-19 Income Losses</b>	<b>17.395</b>	<b>0.301</b>	<b>17.696</b>	<b>19.528</b>	<b>1.832</b>

Note: in-year budget adjustments reflect the drawdown of Earmarked Reserves during the year and amounts carried forward from the prior year to fund approved expenditure.

## Service Budgets

12. The 2021/22 Original Budget for Services approved by Council in February 2021 was £16.240m.
13. At 30 June the full year outturn is forecast to be £16.517m against a management budget of £16.541m resulting in an underspend of £0.024m (0.1%).
14. The key variances are:

### Organisation:

- Electoral Services £0.177m underspend due to lower than expected election costs and review of long term contracts .
- ICT £0.065k overspend due to increased maintenance costs.

Place:

- Refuse & Recycling £0.158m overspend due to higher staff costs.

People

- Revenues, Benefits & Fraud £114k underspend due to lower staff costs partially offset by lower commercial income.

Further details of Service budget variances are provided at Sections 1 and 2 of Annex 2.

## **COVID-19 Expenditure and Funding**

15. The Revenue Budget for 2021/22 that was approved by Council in February 2021 did not include specific budgets for ongoing expenditure relating to the Council's response to the pandemic but it did provide an outline of the types of spending that were likely to be incurred and assumptions regarding how they would be funded based on the information available at the time.
16. The latest forecast for additional expenditure and funding during 2021/22 are summarised below. This confirms that expenditure and associated funding are currently forecast to balance. These forecasts are however based on current assumptions regarding national and local recovery following the pandemic and may change. Some of the forecast Government funding is also subject to final confirmation. The majority of pandemic funding is received direct from the Government but some continues to be paid via Surrey County Council

<b>Table 2: COVID-19 FORECAST ADDITIONAL EXPENDITURE &amp; FUNDING at August 2021</b>	<b>Forecast Expenditure £m</b>	<b>Forecast Funding £m</b>
Homelessness Prevention	0.230	
Welfare Response	0.228	
'Welcome Back' Initiatives	0.166	(0.166)
Additional Capacity – Revenues & Benefits, Communications, Data Insight, Finance	0.428	(0.184)
ICT Support costs	0.086	
Environmental Services/Waste Team	0.073	
Cultural, Sports, Leisure	0.031	
Surge Testing Funding	0.026	(0.026)
Contain Outbreak Management Funding		(0.274)
Government COVID-19 Funding Allocation 2021/22		(0.638)
<b>Forecast Expenditure and Funding 2021/22</b>	<b>1.268</b>	<b>(1.288)</b>

## **COVID-19 Income Losses**

17. The main area for concern relates to ongoing income losses as a consequence of the pandemic. At 30 June the forecast total income loss is £1.854m after taking account of forecast Government funding for losses to 30 June (only).

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<b>Table 3: COVID-19 FORECAST INCOME LOSSES AND FUNDING at August 2021</b>		<b>Forecast Income Loss £m</b>
Car Parking		1.720
Leisure Services (management fee waived, lower football income)		0.282
Harlequin (lower ticket sales, hire and catering income)		0.155
Property & Facilities (lower income from commercial properties)		0.051
Planning Policy (lower fee income)		0.048
Revenues & Benefits (lower commercial income)		0.040
Environmental Licencing (lower premises/taxi licencing & MOT income)		0.023
<b>Forecast Income Loss</b>		<b>2.319</b>
Government Funding (Q1 Losses Only)		(0.465)
<b>Net Forecast Income Loss 2021/22</b>		<b>1.854</b>

18. The net forecast shortfall can be funded on a one-off basis through drawing on the £2.0 million Earmarked Reserve that was set aside at the end of 2020/21 in anticipation of continued income losses.
19. Looking forward beyond 2021/22 there remain concerns that ongoing income losses (in particular relating to car parking) will add significantly to the forecast budget gap over the medium term as there is no current prospect of further Government funding for the majority of these pressures beyond the end of June 2021.
20. The ongoing unfunded impacts will have to be accommodated within future budget-setting decisions and will result in a further call on Reserves until sustainable solutions are implemented. This will have to be addressed as a priority during budget-setting for 2022/23 for services there is no prospect of income streams returning to pre-pandemic levels.
21. As previously-reported, over the medium term, the main options for mitigating the financial impacts of COVID-19 include:
  - Continue to lobby Central Government for additional funding in recognition of the residual impacts of income losses on district Councils and their ability to deliver services.
  - Look to make offsetting savings and efficiencies where possible before calling on Reserves.
  - Make use of Earmarked Revenue Reserves to close the gap. This has implications for the projects and services and other potential risks that were intended to be funded from these resources.
22. As a final resort it would be necessary to apply for permission from Government to capitalise some of the costs and financial impacts to enable the Council to borrow and fund them on a long-term basis. This would place the Council in the spotlight as being at risk of financial failure.
23. Further updates on forecast impacts on costs and income and how they might be funded will continue to be included in the quarterly budget monitoring reports throughout 2021/22.

## Central Budgets

24. The 2021/22 Original Budget for Central budgets approved by Council in February 2021 was £1.155m.
25. At 30 June the forecast outturn is £1.157m against a management budget of £1.155m resulting in an overspend of £0.002m (0.18%).
26. This overspend is mainly as a result of small adjustments to the forecast.  
Further details are provided at Annex 2.

## Capital Programme Monitoring

27. At 30 June 2021, the Capital Programme budget was £141.08m (including £99.456m of approved carry-forward capital allocations from 2020/21).
28. The forecast outturn position is £56.29m which is £84.79m (60%) below the approved Programme for the year. The variance is as a result of £84.28m slippage and a net underspend of £0.51m.
29. Slippage at 31 March will be carried forward to the Programme for 2022/23 onwards. The main reasons for forecast slippage at the end of Quarter 1 were:
  - Housing Delivery Programme (£20.0m slippage) – these capital funds have been allocated to fund investment in new affordable housing. There are no specific developments planned at this time. Forecasts will be updated when new business cases are developed.
  - Commercial Investments Programme (£63.97m slippage) - these capital funds have been allocated to fund investment in new developments and commercial assets & activities to deliver a sustainable net income stream. There are no specific developments or asset purchases planned at this time. Forecasts will be updated when new business cases or investment opportunities are developed.
30. The forecast net underspend is mainly as a result of:
  - Disabled Facilities Grant £0.242m lower expenditure due to COVID-related delays to works.
  - ICT Disaster Recovery £0.200m lower expenditure due to activity being funded from elsewhere in the capital programme.

Further details are provided at Annex 3.

## OPTIONS

31. The Overview and Scrutiny Committee has two options:

- Option 1:** Note Q1 2021/22 KPI and budget performance and make no observations/comments.
- Option 2:** Note Q1 2021/22 KPI and budget performance and make any observations to the Executive.

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32. The Executive has two options:

**Option 1:** Note the Q1 2021/22 KPI and budget performance and make no observations/comments.

**Option 2:** Note the Q1 2021/22 KPI and budget performance and many observations/comments to the Head of Corporate Policy, Projects and Business Assurance and/or Head of Finance.

## LEGAL IMPLICATIONS

33. There are no legal implications resulting from this report.

## FINANCIAL IMPLICATIONS

34. There are no additional financial implications arising from this report.

## EQUALITIES IMPLICATIONS

35. There are no equalities implications arising from this report.

## COMMUNICATION IMPLICATIONS

36. There are no communication implications arising from this report.

## RISK MANAGEMENT CONSIDERATIONS

37. There are no risk management implications arising from this report.

38. The annual budget report and supporting strategies include full risk assessments of budget proposals.

## OTHER IMPLICATIONS

39. There are no other implications arising from this report.

## CONSULTATION

40. The performance report has been reviewed by the Council's Corporate Governance Group.

41. There are no other consultation implications arising from this report.

## POLICY FRAMEWORK

42. Robust performance management is integral to measuring the extent to which policy objectives have been achieved.

## BACKGROUND PAPERS

None.

## Q1 2021/22 Key Performance Indicators

KPI	Status	Portfolio Holder
<a href="#"><b>KPI 1 – Council Tax collection</b></a>	GREEN	Cllr Schofield
<a href="#"><b>KPI 2 – Business rates collection</b></a>	RED	Cllr Schofield
<a href="#"><b>KPI 3 – Staff turnover</b></a>	GREEN	Cllr Lewanski
<a href="#"><b>KPI 4 – Staff sickness</b></a>	GREEN	Cllr Lewanski
<a href="#"><b>KPI 5 – Homelessness positive outcomes</b></a>	GREEN	Cllr Neame
<a href="#"><b>KPI 6 – Housing completions</b></a>	AMBER	Cllr Biggs
<a href="#"><b>KPI 7 – Affordable housing completions</b></a>	AMBER	Cllr Biggs
<a href="#"><b>KPI 8 – Local Environmental Quality Surveys</b></a>	GREEN	Cllr Bramhall
<a href="#"><b>KPI 9 – Missed bins</b></a>	GREEN	Cllr Bramhall
<a href="#"><b>KPI 10 – Recycling</b></a>	RED	Cllr Bramhall

## KPI 1 – The % of Council Tax collected

	TARGET	ACTUAL	STATUS
Q1	29%	29.09%	GREEN

### Description

This indicator measures the percentage of Council Tax collected by the Council. The performance reported is cumulative for the year to date.

### Narrative

Performance in Q1 of this financial year is on target and has shown an increase compared to the same quarter last year.

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### Council tax collection



Q1 performance

## KPI 2 – The % of Business Rates collected

	TARGET	ACTUAL	STATUS
Q1	31%	29.77%	RED

### Description

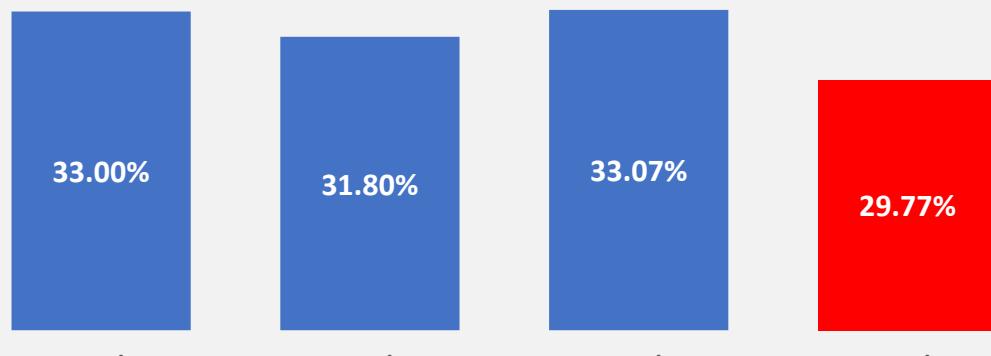
This indicator measures the percentage of non-domestic rates (NNDR) collected by the Council. The performance reported is cumulative for the year to date. A tolerance of 1% is applied each quarter.

### Narrative

The recent recalculation of Retail Rate Relief (Covid-19 related) led to a number of first quarter instalments being set back to 1 August, resulting in this quarter's target not being met. Rates have been recalculated for the remainder of the year; we are therefore expecting collection to catch-up and improve in subsequent quarters.

There was £166k held in suspense at the end of the quarter, which, if included in the totals collected, would have brought the collection rate to within tolerance. A suspense account is used in instances where payment for business rates has been received but the payer is yet to be identified, thereby preventing allocation of the monies received to an account. Work is underway to allocate these balances.

### Business Rates collection



Q1 performance

## KPI 3 – Staff turnover

	TARGET	ACTUAL	STATUS
Q1	12%	7%	GREEN

### Description

This indicator tracks the percentage of staff that leave the organisation on a voluntary basis. The performance reported is for a cumulative rolling 12 month period.

### Narrative

Staff turnover has continued to be on target in Q1. The Employment Committee received an update on Key Workforce Data at its meeting on [23 June 2021](#), which included additional information on staff turnover.

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## KPI 4 – Staff sickness absence

	TARGET	ACTUAL	STATUS
Q1	4 days	3.21 days	GREEN

### Description

This indicator tracks the average duration of short term sickness absence per employee. The performance reported at the end of each quarter is for a cumulative rolling 12 month period. The indicator measures all non Covid-19 short term sickness absence.

### Narrative

Despite a small uptick, short-term staff sickness absence continues to be within target. The Employment Committee received an update on Key Workforce Data at its meeting on [23 June 2021](#), which included additional information on staff sickness.

Staff turnover

Target: 12%



Staff sickness absence (days)

Target: 4



## KPI 5 – The % of positive homelessness prevention and relief outcomes

	TARGET	ACTUAL	STATUS
Q1	55%	74%	GREEN

### Description

This indicator measures the Council's performance in preventing and relieving homelessness where a household has approached the Council for support and where the Council has a statutory obligation to provide it under the Homelessness Reduction Act.

Prevention and relief are terms that are defined by the Act. The indicator measures the percentage of positive outcomes achieved in the quarter against approaches to the Council that were made in the quarter.

Additional information on homelessness and the responsibilities placed on local authorities is available on the [government's website](#).

### Narrative

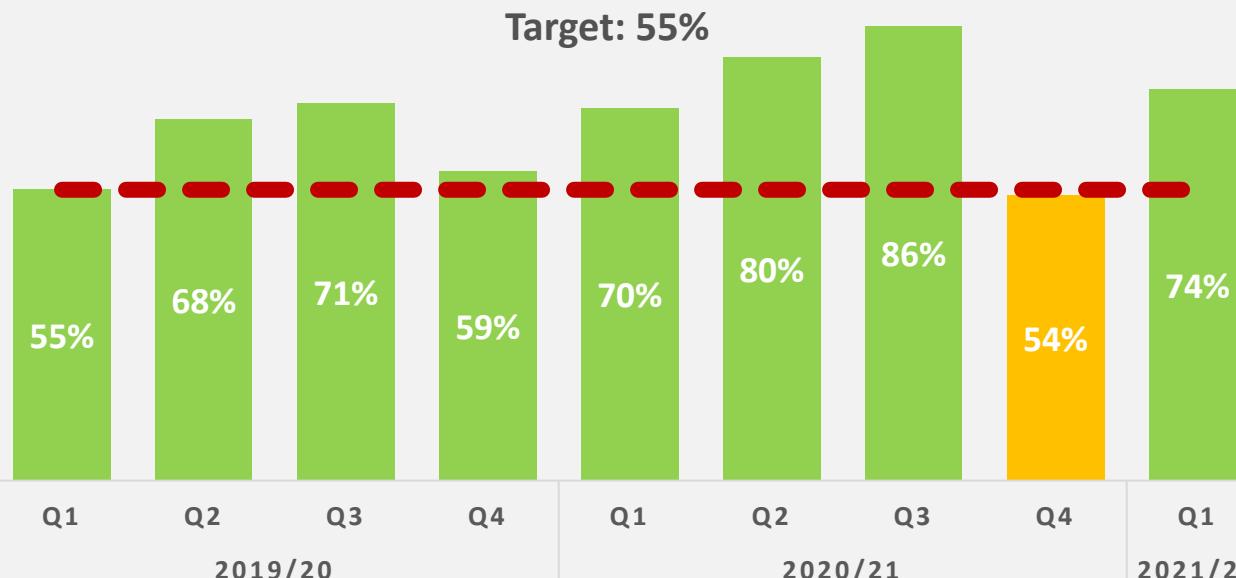
As reported in previous quarters, homelessness approaches continue to be at a high level. Despite the high level of approaches, the Council is continuing to achieve a high percentage of positive outcomes.

In Q1 there were 278 total homelessness approaches made to the Council. Approaches made in April and May were relatively low, however, June saw a high number of approaches with 122 made. This follows the end of the ban on bailiff enforcement which expired on 31 May.

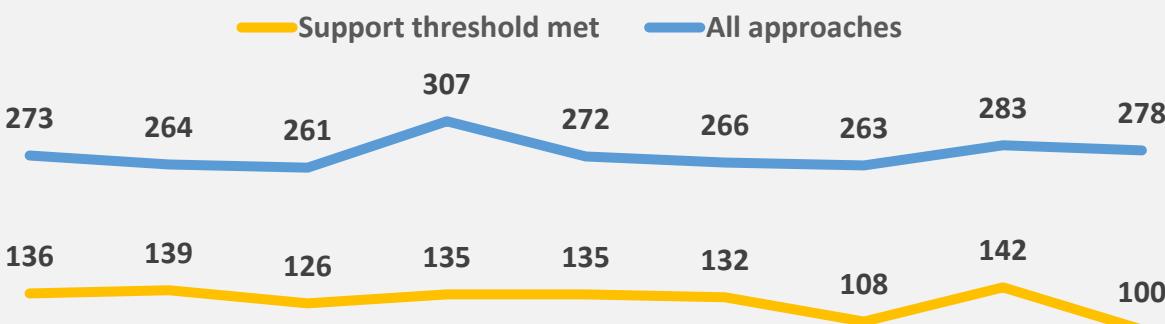
Of the 278 approaches, 100 were where the support threshold was met. In Q1 there were 74 positive prevention and relief outcomes.

Additional contextual performance information is provided overleaf.

### Positive homelessness prevention and relief outcomes

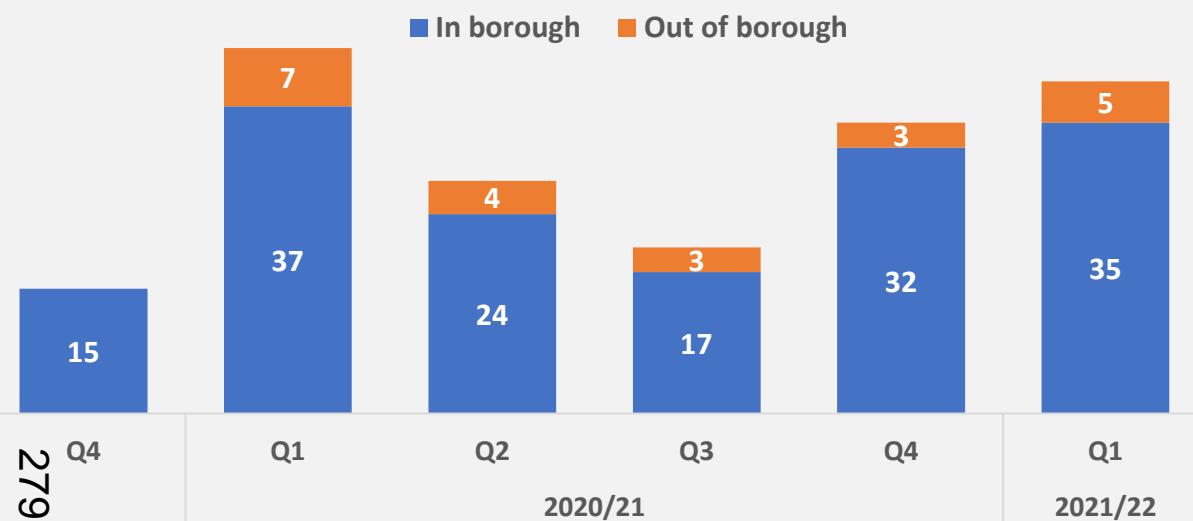


### Homelessness approaches (contextual)



## KPI 5 – The % of positive homelessness prevention and relief outcomes (continued)

### Average number of households in temporary emergency accommodation (contextual)



#### Temporary emergency accommodation

The average number of households placed in temporary emergency accommodation (not Council owned) has increased marginally in Q1, though is nevertheless lower than at the same point last year. This is due in part to the ongoing requirement to house rough sleepers as well as those at risk of rough sleeping following a request from the Ministry of Housing, Communities and Local Government in January 2021.

Single persons also make up an increasing share of those placed in temporary emergency accommodation, a client group and trend that continues from previous years. The Council was successful in applying for a grant from MHCLG to place and support single persons in temporary emergency accommodation who otherwise would not have met the threshold for support. This therefore also explains the increase in placements.

The end of the ban on bailiff enforced evictions on 31 May and consequent uptick in homelessness approaches can also be expected to result in an increase in temporary emergency accommodation placements.

As demonstrated in the performance of KPI 5, however, despite high levels of homelessness approaches the Council is continuing to secure similarly high levels of positive prevention and relief outcomes.

The use of temporary emergency accommodation is also being impacted by **Council owned emergency accommodation** being operated at a reduced capacity in order to ensure social distancing and the avoidance of facilities being shared. The occupancy of Massetts Road in Q1 stood at 46%.

#### Main duty acceptances

In Q1 there were 19 main duty homelessness acceptances.

The main housing duty is a duty to provide accommodation until more secure accommodation is found.

### Main duty acceptances (contextual)



## KPI 6 – Net housing completions

		TARGET	ACTUAL	STATUS
20/21	Q1	115	45	RED
	Q2	230	277	GREEN
	Q3	345	606	GREEN
	Q4	460	794	GREEN
21/22	Q1	115	112	AMBER

### Description

This indicator measures the net number of residential housing completions that have taken place in the borough. It includes all completions – i.e. at both market and affordable rates. The targets mirror those set in the Council's Development Management Plan. Performance reported is cumulative for the year. Given the fluctuations in housing completions throughout the year, a tolerance of 60 applies each quarter.

2021/22

### Narrative

Net housing completions for Q1 2021/22 are off target, though are within the expected fluctuation in performance.

The majority of completions in Q1 came from large sites, such as the Horley North-West sector, the former laboratory at Pitwood Park, Portland Drive and the former Liquid & Envy site. The Pitwood Park site is a Council scheme that delivered 25 homes, many of which are affordable. See KPI 7 for information on affordable housing completions. Good progress is being made in securing the occupation of the completed market sale units at Pitwood Park.

At the end of Q1 there were 1,706 dwellings under construction, with 67 commencing during the quarter.

### Housing completions by quarter (contextual)



### Total number of dwellings under construction (contextual)



## KPI 7 – Net affordable housing completions

		TARGET	ACTUAL	STATUS
20/21	Q1	25	21	AMBER
	Q2	50	23	RED
	Q3	75	67	AMBER
	Q4	100	93	AMBER
21/22	Q1	25	15	AMBER

### Description

KPI 7 measures the number of net affordable housing completions in the borough. The targets mirror those set in the Council's Development Management Plan. Performance reported is cumulative for the year. Given the fluctuations in housing completions throughout the year, a tolerance of 10% applies each quarter.

### Narrative

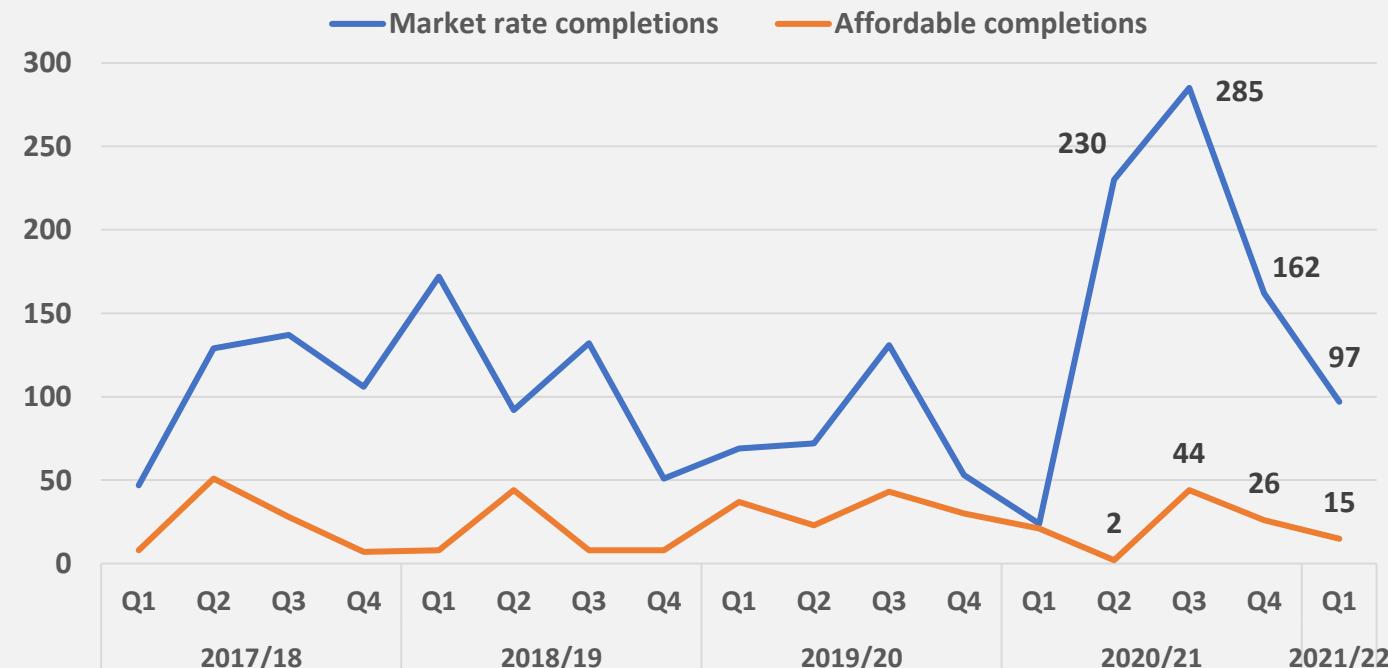
During Q1, 15 affordable housing units have been completed. Whilst affordable housing completions this quarter are off target, these units are often completed in batches. It is therefore expected that the delivery at large sites such as the Horley North West Sector, former RNIB site and Quarryside business park will come through later in the year.

Of the 15 completions in Q1, the Council was responsible for 11 at the Pitwood Park scheme in Tadworth. These are to be handed over to Raven Housing Trust in Q2.

Of the 1,706 dwellings under construction at the end of Q1, 238 are for affordable units. During Q1 10 affordable units were commenced.

Affordable completions by tenure (contextual)				
	Reporting period	Social rent	Shared ownership	Total
2020/21	Q1	21	0	21
	Q2	2	0	2
	Q3	4	40	44
	Q4	5	21	26
2021/22	Q1	1	14	15

### Housing completions by quarter (contextual)



## KPI 8 - Local Environmental Quality surveys

	TARGET	ACTUAL	STATUS
Q1	90% of sites at grade B	100%	GREEN

### Description

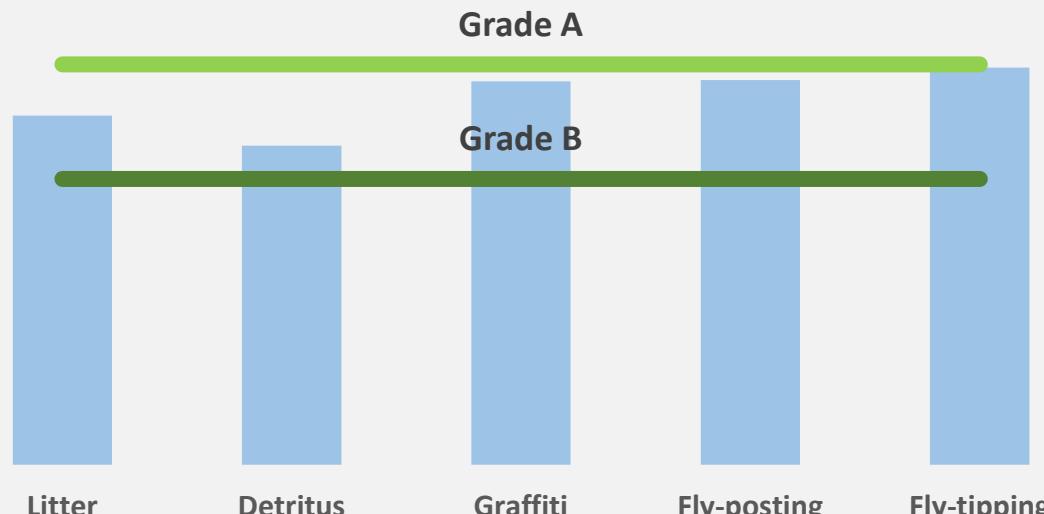
Local Environmental Quality Surveys (LEQs) are a robust and well recognised methodology for measuring the cleanliness of places. The methodology is developed and maintained by [Keep Britain Tidy](#). A selection of sites in the borough are assessed in the following categories: litter, detritus, fly-tipping, fly-posting and graffiti. The average of the scores achieved in each category gives an overall score for each site that is surveyed.

### Narrative

Of the 95 surveys carried out in Q1, all scored at grade B and above. The chart below details the average score for each individual category. Detritus was the lowest scoring category in Q1, though was nevertheless in excess of the target.

100  
80  
60  
40  
20

Average site scores by category



## KPI 9 - Number of missed bins per 1,000 collected

	TARGET	ACTUAL	STATUS
Q1	10	1.32	GREEN

### Description

This indicator tracks how many refuse and recycling bins have been missed per 1,000 that are collected. Performance is measured and reported on quarterly.

### Narrative

Despite the continuing challenges presented by the Covid-19 pandemic and the heightened levels of waste seen during the year, the Council has maintained a reliable waste collection service for residents, with just over 1 bin reported as missed per 1,000 that were collected.

Missed bins per 1,000 collected



## KPI 10 – Recycling: The percentage of household waste that is recycled and composted

		TARGET	ACTUAL	STATUS
20/21	Q1	60%	49.9%	RED
	Q2	60%	56.5%	AMBER
	Q3	60%	55.2%	AMBER
	Q4	60%	53.1%	RED

### Description

This indicator measures the percentage of household waste collected by the Council that is recycled and composted. Performance is reported one quarter in arrears, with Q4 2020/21 performance reported in Q1 2021/22. The target for this indicator is a stretch target, set in the Joint Waste Management Strategy to which the Council is a signatory, along with Surrey County Council and all Surrey Districts and Boroughs.

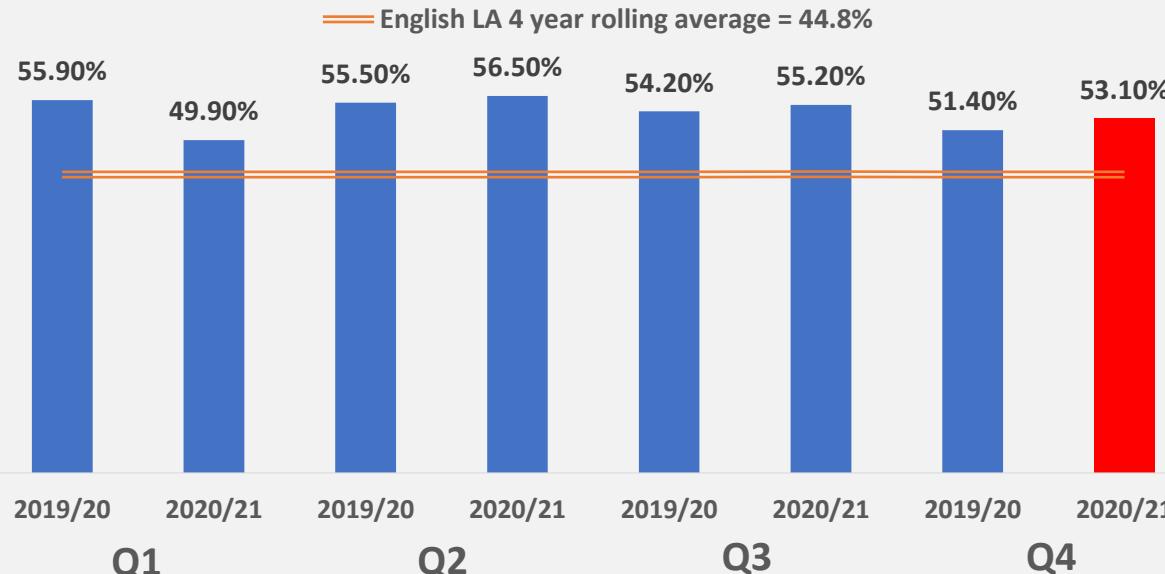
### No Naive

Covid-19 continues to impact on tonnages and the composition of household waste. Despite this indicator being off target, however, Q4 of 2020/21 was the best result recorded for a Q4 by the Council. The Council's overall recycling outturn for the year is 53.2%, a deficit of 1.1% when compared to 2019/20.

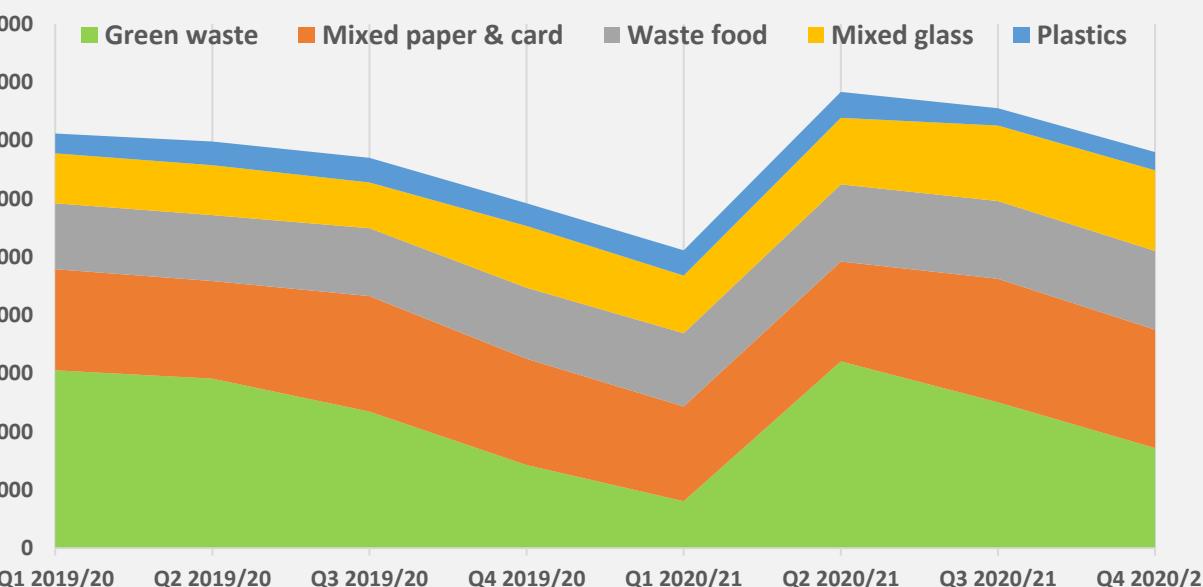
Q4 performance has helped to recover some of the losses from the impact of Covid-19 earlier in the year. Preliminary tonnages for 2020/21 show a near 2,500 net tonnage increase in paper and card, mixed recycling and food sent for reprocessing. However this unfortunately was not enough to offset the increase in refuse and fly tipping, as well as the lost garden waste tonnage from the suspended service in Q1 of 2020/21.

Whilst the target for this indicator is a stretch target, the Council is actively taking steps to increase the borough's recycling performance by introducing the full kerbside collection service to more flats and introducing measures to prevent contamination at existing facilities. Since April 2021 an additional 500 flats have been added to the service at a time of unprecedented pressure from increased tonnages of recyclates and residual waste. In illustrating this positive direction of travel, in June 2021 the monthly recycling rate exceeded 60% for the first time.

### The % of household waste that is recycled and composted



### Top recycling streams collected by tonnage (contextual)



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## 2021/22 Period 3: Revenue Budget Monitoring

**Summary**

The full year forecast at the end of Quarter 1 for Service budgets is £0.024m (0.1%) lower than the management budget; the Central budgets are reporting £0.002m higher than budget, resulting in an overall forecast of £0.022m (0.1%) lower than budget.

Ongoing COVID-19 income losses are forecast to be £2.319m, £0.465k of which are expected to be funded by the Q1 Sales Fees & Charges grant from Government. Inclusion of these losses results in a forecast of £1.832m (10.4%) higher than budget.

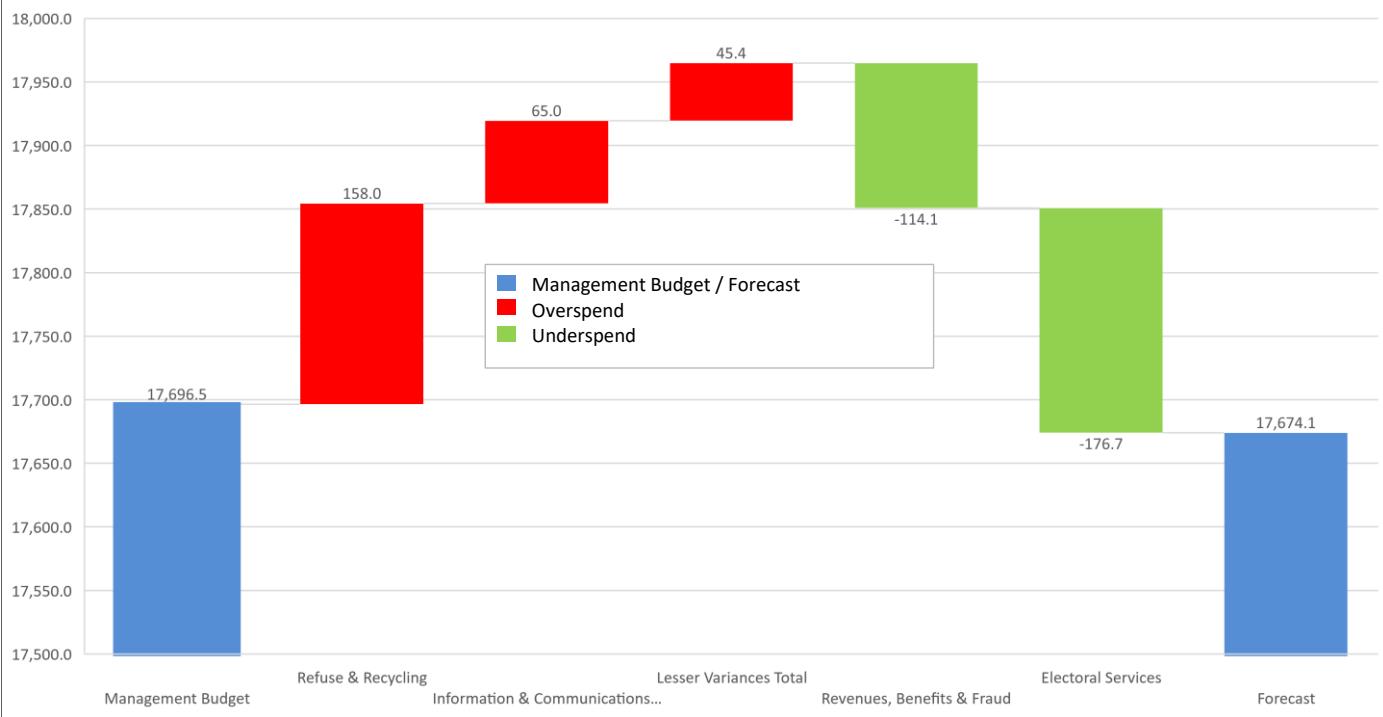
**Reconciliation of Original Budget to Management Budget for 2021/22**

	£000	£000
<u>Original Budget</u>		17,395.0
Unspent Budget brought forward from 2020/21	218.3	
<u>Transfers from Reserves:</u>		
Corporate Plan Delivery Fund Reserve	83.2	
		301.5
<u>Management Budget</u>		<u>17,696.5</u>

**Headline Revenue Budget Information 2021/22**

	£000
Management Budget	17,696.5
Year End Forecast	17,674.1
Projected underspend	<u>(22.4)</u> (-0.1% of the budget)
Year End Forecast	2,319.0
	<u>(465.0)</u>
Projected overspend	1,831.6 (10.4% of the budget)

Revenue Budget Outturn Variances £000



<b>Forecast for Services is £0.024m over budget. Significant variances summarised below:</b>
<b>Refuse and Recycling:</b> £158k overspend is due to extra Temporary Staff costs of £152k, an overtime overspend of £69k is offset by a Salaries forecast underspend.
<b>Information &amp; Communications Technology:</b> £65k overspend is mostly attributable to increased maintenance costs.
<b>Revenues, Benefits &amp; Fraud:</b> £114k underspend is mostly attributable to a lower forecast on the salaries budget due to vacancies and slightly lower than budgeted commercial income.
<b>Electoral Services:</b> £177k underspend. The forecast reflects £100k lower than budgeted election costs and £76k savings resulting from a review of long term contracts.
<b>Forecast for Central Budgets is £0.002m over budget. There are no significant variances.</b>
<b>COVID-19 Ongoing Income Losses</b>
These are detailed at Section 2 and summarised above. To be funded by calling on Reserves set aside to mitigate this risk in 2020/21.
<b>COVID-19 Ongoing Expenditure &amp; Funding</b>
These are detailed at Section 3

<b>1. General Fund Reserve</b>		£000	£000
Balance at start of year			3,000.0
Less: Transfers out (Payment of Three Year Employer Pension Contribution in advance)			0.0
Add: Projected underspend	at 31 March 2022		-22.4
Anticipated balance at End of Year before Reserves Review/Reallocations*			2,977.6
*Maximum General Fund Balance Required (2021/22 = £3m)			2,609.3
<b>2. Corporate Plan Delivery Fund (CPDF) Reserve</b>		£000	£000
Balance at start of year			860.6
V21-03 CPDF Community Centre Review (carried forward from 20-21)	Community Centres	83.2	
Balance before any further transfers in year			777.4
<b>3. Capital Schemes (Feasibility Studies) Reserve</b>		£000	£000
The Capital Schemes (Feasibility Studies) Reserve was established to ensure that funding is available to prepare business cases and obtain external professional advice for new initiatives designed to deliver new capital schemes, including new sources of sustainable commercial income streams. Once a Capital scheme is approved by Executive, the costs can be capitalised and the funds will recycle back to the Capital Schemes (Feasibility Studies) Reserve.			
Balance at start of year			2,334.7
			2,334.7
<b>4. Economic Development Initiatives Reserve</b>		£000	£000
The Economic Development Initiatives Reserve was established to fund initiatives to raise awareness amongst local people of quality local employment opportunities.			
Balance at start of year			656.5
			656.5

Responsible Officer	Service	Original Budget £000	Total Variations £000	Management Budget £000	Year End Outturn £000	Year End Variance £000	Commentary
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## 1. Service Budgets

## 1a. Organisation

Catherine Rose	Corporate Policy	227.8	0.0	227.8	231.9	4.1	Minor variance
	Projects & Business Assurance	204.4	0.0	204.4	192.1	(12.3)	Minor variance
Carys Jones	Communications	700.8	0.0	700.8	700.8	0.0	Nil
	Customer Contact	400.4	0.0	400.4	400.4	0.0	Nil
Darren Wray	Information & Communications Technology	1,767.4	0.0	1,767.4	1,832.4	65.0	Increase in maintenance costs.
Kate Brown	Organisational Development & Human Resources	785.8	0.0	785.8	785.8	0.0	Nil
Joyce Hamilton	Legal Services	816.6	0.0	816.6	816.6	0.0	Nil
	Land Charges	-105.6	0.0	-105.6	-105.6	0.0	Nil
	Democratic Services	861.1	0.0	861.1	843.3	(17.8)	Savings due to review of unused budget lines.
	Electoral Services	447.9	169.3	617.2	440.5	(176.7)	£100k lower elections costs, £75k saving due to review of unused budget lines
	Corporate Support	184.0	0.0	184.0	184.0	0.0	Nil
Pat Main	Finance	1,326.6	0.0	1,326.6	1,326.2	(0.4)	Minor variance
	Property & Facilities	-1,495.1	0.0	-1,495.1	-1,495.1	0.0	Review in progress
	Property & Facilities - ongoing COVID income loss	0.0	0.0	0.0	51.0	51.0	Redhill Hotel £40k, Horley Leisure Centre £9k, Priory Park Pavilion £2k.
	Commercial & Investment	143.4	0.0	143.4	143.4	0.0	Nil

## 1b. Place

Simon Bland	Economic Prosperity	353.6	0.0	353.6	346.6	(7.0)	Slight overspend of 9k against salary budget to reflect employee contractual payments in P3. Another P/T member of staff is planning to increase hours from P6. Market Operations are currently expecting an overall underspend of £16k as the rates are now expected to be £16k less following a government initiative to support traders with the payment of Business Rates.
Morag Williams	Fleet	886.6	0.0	886.6	900.4	13.8	Minor variance
	Refuse & Recycling	1,348.1	0.0	1,348.1	1,506.1	158.0	£152k Temporary Staff and £69k Overtime overspends are partially offset by a £69k Salaries underspend.
	Engineering & Construction	60.9	0.0	60.9	60.9	0.0	Nil
	Environmental Health & JET	1,101.4	0.0	1,101.4	1,123.1	21.7	Unachievable external income from Contaminated Land £8k, Pest Control £4k, H&S £10k and other minor favourable variances.
	Environmental Licencing	-203.6	0.0	-203.6	-203.6	0.0	Nil
	Environmental Licencing - ongoing COVID income loss	0.0	0.0	0.0	23.0	23.0	Premises & Taxi licences £19k, MOT income £4k.
	Greenspaces	1,481.8	0.0	1,481.8	1,481.5	(0.3)	Minor variance
	Car Parking	-2,024.8	0.0	-2,024.8	-1,978.3	46.5	Higher than budgeted processing costs.
	Car Parking - ongoing COVID-19 income loss	0.0	0.0	0.0	1,720.0	1,720.0	Off-street £1.6m, on-street £0.1m (latest forecast).
	Street Cleansing	1,006.7	0.0	1,006.7	1,012.4	5.7	Minor variance
Peter Boarder	Place Delivery	354.5	0.0	354.5	339.2	(15.3)	£26k underspend against consultancy budget, as only £7k spend expected by year end. However, a slight overspend of £11k against the salary budget is expected to reflect employee contractual increases paid in P3.
Andrew Benson	Building Control	45.0	0.0	45.0	45.0	0.0	As of Q1, Salaries are forecast to underspend by £237k due to 5 vacancies across the Planning budget. In contrast, there is an overspend of £193k against consultancy and a further £24k overspend against Casual Wages, to fill the vacant gaps within the team structure. However, there is anticipation that both consultancy and casual wages should see a reduction in their respective forecasts as the service recruits to the vacant posts.
	Development Services	225.4	2.0	227.4	229.7	2.3	
	Planning Policy	457.9	18.0	475.9	448.9	(27.0)	
	Planning Policy - ongoing COVID income loss	0.0	0.0	0.0	48.0	48.0	Planning fee income (worst case).

Responsible Officer	Service	Original Budget £000	Total Variations £000	Management Budget £000	Year End Outturn £000	Year End Variance £000	Commentary
<b>1c. People</b>							
Justine Chatfield	Community Development	453.8	13.5	467.3	467.3	0.0	Nil
	Partnerships	406.4	15.5	421.9	421.9	0.0	Nil
	Community Centres	292.1	83.2	375.3	375.9	0.6	Minor variance
	Voluntary Sector Support	295.1	0.0	295.1	295.1	0.0	Nil
Richard Robinson	Housing Services	999.3	0.0	999.3	999.3	0.0	Nil
Simon Rosser	Benefit Paid/Subsidy Received	623.0	0.0	623.0	623.0	0.0	Salary underspend of £112k as there are currently 3 vacancies across Revenues & Benefits.
	Revenues, Benefits & Fraud	-112.9	136.4	23.5	-90.6	(114.1)	There is also a small deficit of £10k within commercial trading, compared to a budgeted surplus of £18k; this is under review as a further contract is due to be agreed towards the end of Q2.
	Commercial Trading Account - Revenue & Benefits	118.0	-136.4	-18.4	10.3	28.7	
	Commercial Trading Account - ongoing COVID income loss	0.0	0.0	0.0	40.0	40.0	External contract opportunity not pursued due to COVID staff redeployments.
Duane Kirkland	Supporting People	161.4	0.0	161.4	161.4	0.0	Nil
	Supporting Families	90.0	0.0	90.0	90.0	0.0	Nil
	Harlequin	446.0	0.0	446.0	446.0	0.0	Nil
	Harlequin - ongoing COVID income loss	0.0	0.0	0.0	155.0	155.0	Ticket sales, room hire, equipment hire, catering income.
	Leisure Services	-89.1	0.0	-89.1	-89.1	0.0	Nil
	Leisure Services - ongoing COVID income loss	0.0	0.0	0.0	282.0	282.0	GLL leisure fee waived (£262k), pitch hire income £20k.
<b>1d. Management Team</b>							
Mari Roberts-Wood	Management Team	1,158.2	0.0	1,158.2	1,158.2	0.0	Nil
Frank Etheridge	Emergency Planning	39.7	0.0	39.7	39.7	0.0	Nil
<b>Total Services including COVID-19 income losses</b>		<b>16,240.0</b>	<b>301.5</b>	<b>16,541.5</b>	<b>18,836.0</b>	<b>2,294.5</b>	<b>13.87%</b>
<b>Ongoing COVID-19 income losses</b>		0.0	0.0	0.0	2,319.0	2,319.0	
<b>Total Services - underlying</b>		<b>16,240.0</b>	<b>301.5</b>	<b>16,541.5</b>	<b>16,517.0</b>	<b>-24.5</b>	<b>(0.15%)</b>
<b>2. Central Budgets</b>							
Pat Main	Insurance	460.1	4.9	465.0	457.0	(8.0)	Minor variance
	Treasury Management - Interest on Investments	-1,216.1	21.1	-1,195.0	-1,202.6	(7.6)	Minor variance
	Treasury Management - Interest on Borrowing	165.0	-60.0	105.0	127.7	22.7	Minor variance
	Treasury Management - Interest on Trust Funds	18.0	0.0	18.0	14.0	(4.0)	Minor variance
	Minimum Revenue Provision	1,361.0	0.0	1,361.0	1,360.9	(0.1)	Minor variance
	Employer Pension costs	0.0	0.0	0.0	0.0	0.0	Nil
	Apprenticeship Levy	74.5	0.0	74.5	74.5	0.0	Nil
Kate Brown	Recruitment Expenses	40.0	0.0	40.0	40.0	0.0	Nil
	Corporate Human Resources Expenses	86.8	0.0	86.8	86.8	0.0	Nil
	Central Budget Contingencies	0.0	50.2	50.2	50.2	0.0	Nil
Pat Main	Preceptor Grants	37.5	0.0	37.5	37.5	0.0	Nil
	External Audit Fees	67.0	-14.0	53.0	52.6	(0.4)	Minor variance
	Internal Audit	61.2	-2.2	59.0	58.5	(0.5)	Minor variance
	<b>Total Central Items</b>	<b>1,155.0</b>	<b>0.0</b>	<b>1,155.0</b>	<b>1,157.1</b>	<b>2.1</b>	<b>0.18%</b>
<b>COVID-19 Income Losses funding (Q1 Claim)</b>							
0.0							
<b>Grand Total</b>							
		<b>17,395.0</b>	<b>301.5</b>	<b>17,696.5</b>	<b>19,528.1</b>	<b>1,831.6</b>	<b>10.35%</b>

<b>2021/22 COVID EXPENDITURE &amp; FUNDING (latest forecast at August 2021)</b>	Forecast Expenditure £m	Forecast Funding £m
Homelessness Prevention	0.230	
Welfare Response	0.228	
'Welcome Back' Expenditure & Funding	0.166	(0.166)
Revenues & Benefits Team - additional capacity	0.136	
Communications/Contact Centre/Data & Insight Team - additional capacity	0.119	
ICT support costs	0.086	
Environmental Services/Waste Team - additional capacity	0.073	
Revenues & Benefits - other	0.061	
Financial Management & Monitoring	0.060	
Other expenditure (including Elections)	0.052	(0.039)
Cultural, Sports, Leisure	0.031	
Surge Testing	0.026	(0.026)
Test & Trace Administration Funding		(0.050)
New Burdens Funding		(0.095)
Contain Outbreak Management Funding		(0.274)
Government COVID-19 Funding Allocation 2021/22		(0.638)
<b>Forecast Expenditure and Income 2021/22</b>	<b>1.268</b>	<b>(1.288)</b>

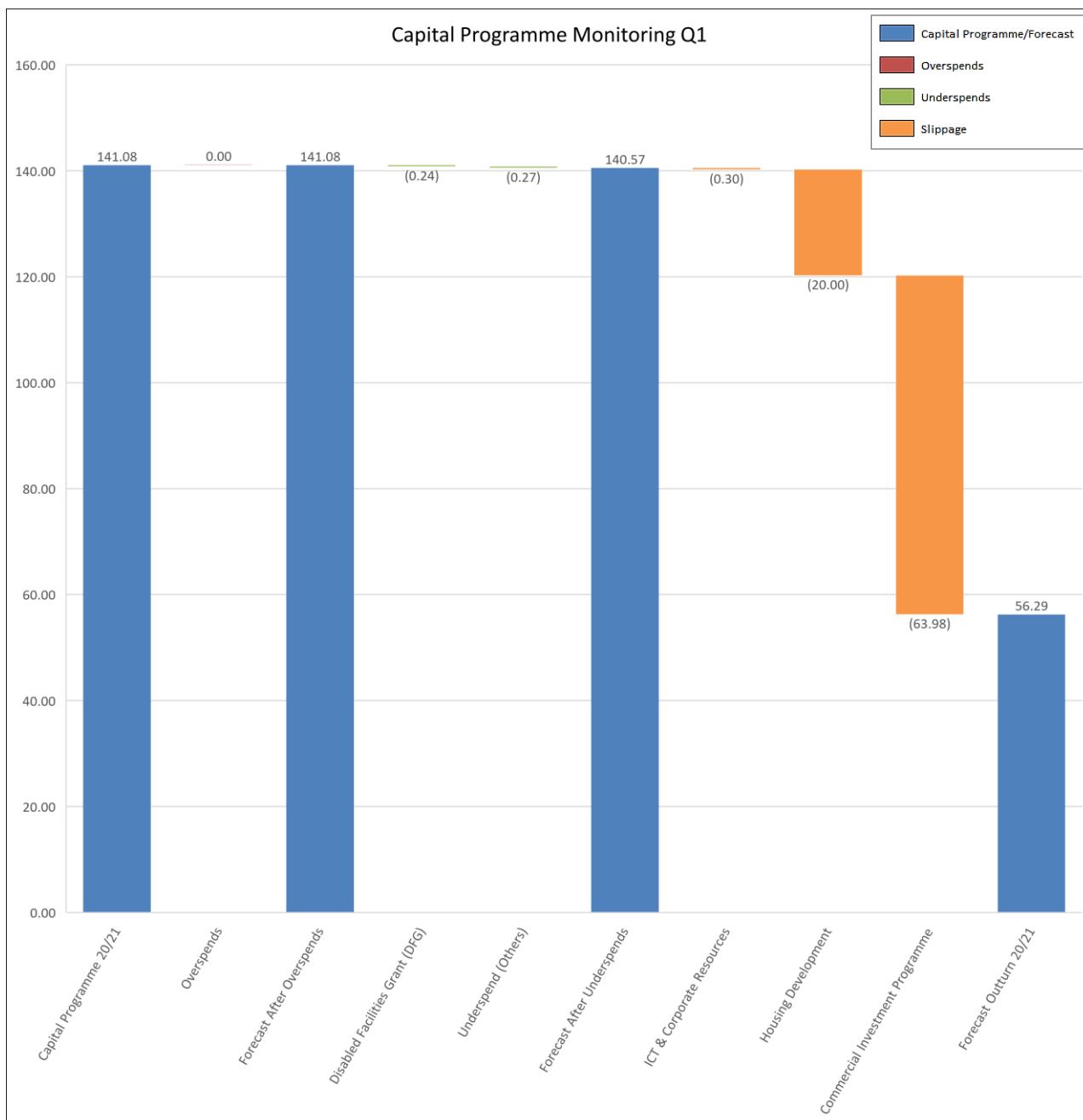
## 2021-22 Outturn Capital Programme Monitoring Q1

**Summary**

Forecast full year expenditure against the Capital Programme at the end of Quarter 1 is £56.29m which is £84.79m (60.1%) below the approved Programme for the year. The variance is predominantly a result of £20m slippage from Housing Development and £63.98m from the Commercial Investment Programme.

**Headline Capital Budget Information 2021-22**

	£m
<b>Current Budget (Section 1):</b>	<b>141.08</b>
Projected Net Overspends	0.00 (0 % of Programme)
Projected Net Underspends	(0.51) (0 % of Programme)
Projected Slippage	(84.28) (60 % of Programme)
<b>Total Capital Expenditure</b>	<b>56.29</b>



## Overspends

There are no overspends forecast at Q1.

## Underspends

<b>Disabled Facilities Grant (DFG)</b>	<b>DFG (£0.2m underspend)</b> - COVID-19 has had an impact on the number of referrals for DFG works, with these stopping during the early part of lockdown. Works in properties were also temporarily suspended for several weeks, due to contractors suspending their operations and vulnerable clients unwilling to allow works in their homes. Work is now underway again, but a lower than budget spend over the year is expected. Grants may be repaid under certain conditions as per the agreement (for example, when a property is sold). This can occur at any time and therefore cannot be forecast in advance.
<b>Other</b>	<b>Handy Person Scheme (£0.04m underspend)</b> - COVID-19 has resulted in fewer applications being received and progressed for Small Works Grants and Loans than might otherwise be expected.
	<b>Contaminated Land - Investigation work (£0.03m underspend)</b> - This is a contingency budget that is no longer required and will be given up as a saving from the Capital Programme in 2022/23.
	<b>Disaster Recovery (£0.2m underspend)</b> - This spend will now be charged to the ICT Replacement Programme (CC61014) and hence, the budget is no longer required and will be given up as a saving from the Capital Programme in 2022/23.

## Slippage

<b>Housing</b>	<b>Housing Delivery Programme (£20.0m slippage)</b> - Capital funds allocated to fund investment in new affordable housing. There are no specific developments planned at this time. Forecasts will be updated when new business cases are developed.
<b>Commercial Investment</b>	<b>Commercial Investments Programme (£63.97m slippage)</b> - Capital funds allocated to fund investment in new developments and commercial assets & activities to deliver a sustainable net income stream. There are no specific developments or asset purchases planned at this time. Forecasts will be updated when new business cases or investment opportunities are developed.
<b>Other</b>	<b>Investments in Technology Projects (£0.30m slippage)</b> - No projects currently identified.

## **Capital ANNEX 3: Section 1**

### **Reconciliation of Capital Programme to Approved Budgets 2021-22**

	£000
<b>Original Capital Budget</b>	41,624.4
Budget approved but not yet released <sup>1</sup>	0.0
	<hr/>
	41,624.4
<b>Additions</b>	
Budget carry-forwards from previous year	99,455.6
Budgets released during the year <sup>1</sup>	0.0
Reprofiling of projects	0.0
Other changes	0.0
<b>Current Capital Budget</b>	<hr/> <b>141,080.0</b>

### **Notes**

- 1 Some budgets are approved as part of the Capital Programme but are not released pending further approval. These are added once the project documentation has been approved.

## Capital Budget Monitoring: Summary by Programme and Project 2021-22

Programme/Project	Year to Date	Original Budget	Carry Forwards	Current Budget	Year End Outturn	Year End Variance	Quarter 1: Explanation of Significant Variances
	£'000	£'000	£'000	£'000	£'000	£'000	
Operational Buildings	0.0	145.0	132.0	277.0	277.0	0.0	
Day Centres Programme	0.9	85.0	16.0	101.0	101.0	0.0	
Existing Pavilions Programme	0.0	110.0	86.0	196.0	196.0	0.0	
Leisure Centre Maintenance	8.9	30.0	9.0	39.0	39.0	0.0	
Harlequin Property Maintenance	11.9	140.0	41.0	181.0	181.0	0.0	
Tenanted Properties	26.7	100.0	92.0	192.0	192.0	0.0	
Crown House	0.0	135.0	75.0	210.0	210.0	0.0	
Units 1-5 Redhill Dist Centre Salfords	0.0	17.3	40.0	57.3	57.3	0.0	
Linden House, 51B High Street Reigate	0.0	11.3	17.0	28.3	28.3	0.0	
Unit 61E Albert Road North	0.0	11.5	55.0	66.5	66.5	0.0	
Forum House, Brighton Road Redhill	0.0	100.0	70.0	170.0	170.0	0.0	
Beech House, London Road Reigate	0.0	0.0	3,000.0	3,000.0	3,000.0	0.0	
Regent House, 1-3 Queensway Redhill	0.0	50.0	25.0	75.0	75.0	0.0	
Commercial Investment Properties	0.9	76.0	0.0	76.0	76.0	0.0	
Infra-structure (walls)	5.9	10.0	44.0	54.0	54.0	0.0	
Car Parks Capital Works Programme	35.5	195.0	239.0	434.0	434.0	0.0	
Earlswood Depot/Park Farm Depot	5.9	20.0	68.0	88.0	88.0	0.0	
Public Conveniences	0.0	4.0	34.0	38.0	38.0	0.0	
Cemeteries & Chapel	0.0	20.0	40.0	60.0	60.0	0.0	
Allotments	0.0	12.0	18.0	30.0	30.0	0.0	
Building Maintenance - Support Cost	0.0	50.0	0.0	50.0	50.0	0.0	
Pavilion Replacement - Woodmansterne	0.0	0.0	20.0	20.0	20.0	0.0	
Priory Park Maintenance	0.0	10.0	203.0	213.0	213.0	0.0	
<b>Strategic Property</b>	<b>96.6</b>	<b>1,332.0</b>	<b>4,324.0</b>	<b>5,656.0</b>	<b>5,656.0</b>	<b>0.0</b>	
ICT Replacement Programme	194.0	425.0	325.0	750.0	750.0	0.0	
Investment in Technology Projects	0.0	300.0	0.0	300.0	0.0	-300.0	No development projects currently identified.
Disaster Recovery	28.0	200.0	0.0	200.0	0.0	-200.0	
Environmental Strategy Delivery	0.0	250.0	0.0	250.0	250.0	0.0	
<b>ICT &amp; Corporate Resources</b>	<b>222.1</b>	<b>1,175.0</b>	<b>325.0</b>	<b>1,500.0</b>	<b>1,000.0</b>	<b>-500.0</b>	
Great Workplace Programme - Phase 2	-7.8	250.0	222.0	472.0	472.0	0.0	
Workplace Facilities	0.0	10.0	0.0	10.0	10.0	0.0	
<b>Organisational Development</b>	<b>-7.8</b>	<b>260.0</b>	<b>222.0</b>	<b>482.0</b>	<b>482.0</b>	<b>0.0</b>	
<b>ORGANISATION</b>	<b>310.9</b>	<b>2,767.0</b>	<b>4,871.0</b>	<b>7,638.0</b>	<b>7,138.0</b>	<b>-500.0</b>	
Handy Person Scheme	5.4	50.0	0.0	50.0	10.0	-40.0	
Home Improvement Agency SCC Grant	30.0	120.0	0.0	120.0	120.0	0.0	
Disabled Facilities Grant	199.8	1,134.0	0.0	1,134.0	892.0	-242.0	
Repossession Prevention Fund	17.5	30.0	0.0	30.0	30.0	0.0	
Lee Street Bungalows	0.0	190.0	603.3	793.3	793.3	0.0	
64 Massetts Road	2.6	0.0	0.0	0.0	0.0	0.0	
58 Massetts Rd (YMCA East Surrey)	100.0	100.0	0.0	100.0	100.0	0.0	
Housing Delivery Programme	0.0	10,000.0	10,000.0	20,000.0	0.0	-20000.0	No specific development opportunities currently identified.
Development of Court Lodge Residential Site	0.6	0.0	0.0	0.0	0.0	0.0	
Cromwell Road Development 2016	1,412.2	0.0	5,815.2	5,815.2	5,815.2	0.0	
Pitwood Park/Camelia Close, Tadworth	987.6	71.0	2,277.8	2,348.8	2,348.8	0.0	
<b>Housing</b>	<b>2,755.6</b>	<b>11,695.0</b>	<b>18,696.3</b>	<b>30,391.3</b>	<b>10,109.3</b>	<b>-20282.0</b>	
Harlequin - Service Development	0.0	100.0	100.0	200.0	200.0	0.0	
Harlequin Maintenance	0.0	40.0	35.9	75.9	75.9	0.0	
<b>Leisure &amp; Intervention</b>	<b>0.0</b>	<b>140.0</b>	<b>135.9</b>	<b>275.9</b>	<b>275.9</b>	<b>0.0</b>	
CCTV Rolling Programme	4.4	30.0	60.0	90.0	90.0	0.0	
<b>Community Partnerships</b>	<b>4.4</b>	<b>30.0</b>	<b>60.0</b>	<b>90.0</b>	<b>90.0</b>	<b>0.0</b>	
<b>PEOPLE SERVICES</b>	<b>2,760.0</b>	<b>11,865.0</b>	<b>18,892.2</b>	<b>30,757.2</b>	<b>10,475.2</b>	<b>-20282.0</b>	

## Capital Budget Monitoring: Summary by Programme and Project 2021-22

Programme/Project	Year to Date	Original Budget	Carry Forwards	Current Budget	Year End Outturn	Year End Variance	Quarter 1: Explanation of Significant Variances
	£000	£000	£000	£000	£000	£000	
Vehicles & Plant Programme	1,251.6	1,914.0	316.5	2,230.5	2,230.5	0.0	
Fleet Vehicle Wash-Bay Replacement	0.0	0.0	350.0	350.0	350.0	0.0	
Land Flood Prevention Programme	0.0	10.5	11.8	22.3	22.3	0.0	
Play Area Improvement Programme	5.6	230.0	0.0	230.0	230.0	0.0	
Parks & Countryside - Infrastructure & Fencing	11.2	45.0	23.8	68.8	68.8	0.0	
Air Quality Monitoring Equipment	-92.8	40.0	0.0	40.0	40.0	0.0	
Contaminated Land - Investigation work	0.0	30.0	0.0	30.0	0.0	-30.0	
Contribution to Surrey Transit Site	0.0	127.0	0.0	127.0	127.0	0.0	
<b>Neighbourhood Operations</b>	<b>1,175.5</b>	<b>2,396.5</b>	<b>702.1</b>	<b>3,098.6</b>	<b>3,068.6</b>	<b>-30.0</b>	
Pay-on-Exit Car Parking at Central Car Park and Victoria Road Car Park, Horley	0.0	53.9	0.0	53.9	53.9	0.0	
Horley Public Realm Improvements - Phase 2 and 3	0.0	500.0	100.0	600.0	600.0	0.0	
Horley Public Realm Improvements - Phase 4	2.6	0.0	0.0	0.0	0.0	0.0	
Subway Refurbishment, Horley	2.9	0.0	0.0	0.0	0.0	0.0	
Marketfield Way Redevelopment	3,059.4	23,212.0	9,661.2	32,873.2	32,873.2	0.0	
Redhill Public Realm Improvements	0.0	30.0	0.0	30.0	30.0	0.0	
Merstham Recreation Ground	0.0	700.0	796.0	1,496.0	1,496.0	0.0	
Preston - Parking Improvements	-37.0	0.0	456.0	456.0	456.0	0.0	
<b>Place Delivery</b>	<b>3,027.8</b>	<b>24,495.9</b>	<b>11,013.2</b>	<b>35,509.1</b>	<b>35,509.1</b>	<b>0.0</b>	
Vibrant Towns & Villages	0.0	100.0	0.0	100.0	100.0	0.0	
<b>Economic Prosperity</b>	<b>0.0</b>	<b>100.0</b>	<b>0.0</b>	<b>100.0</b>	<b>100.0</b>	<b>0.0</b>	
<b>PLACE SERVICES</b>	<b>4,203.3</b>	<b>26,992.4</b>	<b>11,715.3</b>	<b>38,707.7</b>	<b>38,677.7</b>	<b>-30.0</b>	
Commercial Investments Programme	0.0	0.0	63,977.1	63,977.1	0.0	- 63,977.1	No specific development or investment opportunities currently identified.
<b>Commercial Investments</b>	<b>0.0</b>	<b>0.0</b>	<b>63,977.1</b>	<b>63,977.1</b>	<b>0.0</b>	<b>- 63,977.1</b>	
<b>CORPORATE</b>	<b>0.0</b>	<b>0.0</b>	<b>63,977.1</b>	<b>63,977.1</b>	<b>0.0</b>	<b>- 63,977.1</b>	
<b>TOTAL CAPITAL PROGRAMME</b>	<b>7,274.2</b>	<b>41,624.4</b>	<b>99,455.6</b>	<b>141,080.0</b>	<b>56,290.9</b>	<b>- 84,789.1</b>	

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# Agenda Item 7



**Reigate & Banstead**  
BOROUGH COUNCIL  
Banstead | Horley | Redhill | Reigate

<b>SIGNED OFF BY</b>	Head of Corporate Policy
<b>AUTHOR</b>	Ross Tanner, Performance Officer  Luke Harvey, Project & Performance Team Leader
<b>TELEPHONE</b>	Tel: 01737 276022  Tel: 01737 276519
<b>EMAIL</b>	Ross.Tanner@reigate-banstead.gov.uk  Luke.Harvey@reigate-banstead.gov.uk
<b>TO</b>	Audit Committee  Executive
<b>DATE</b>	Audit Committee: Tuesday, 28 September  Executive: Thursday, 16 September 2021
<b>EXECUTIVE MEMBER</b>	Portfolio Holder for Corporate Policy and Resources

<b>KEY DECISION REQUIRED</b>	N
<b>WARDS AFFECTED</b>	(All Wards);

<b>SUBJECT</b>	Risk management - Q1 2021/22
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## RECOMMENDATIONS

**That the Audit Committee:**

- (i) Note the Q1 update on risk management provided by the report and associated annexes.
- (ii) Note the recommended closure of the strategic risk on 'Reform of the planning system' (SR11) as detailed in the report and in Annex 4.
- (iii) Note the recommended opening of a new strategic risk on 'Planning system reform' as detailed in Annex 5.

**That the Executive:**

# Agenda Item 7

- (i) Note the Q1 update on risk management provided by the report and associated annexes.
- (ii) Approve the closure of the strategic risk on 'Reform of the planning system' (SR11) as detailed in the report and in Annex 4.
- (iii) Approve the opening of a new strategic risk on 'Planning system reform' as detailed in Annex 5.

## REASONS FOR RECOMMENDATIONS

The Audit Committee and Executive's constitutional responsibilities require the regular receipt of updates on risk management.

## EXECUTIVE SUMMARY

This report provides an update on risk management in Q1 of 2021/22. Additional detail is provided in the report as well as the supporting associated annexes.

**The Audit Committee and Executive have the authority to approve their respective recommendations.**

## STATUTORY POWERS

1. The Council holds various statutory responsibilities for ensuring that its business is conducted in accordance with the law and that public money is safeguarded, accounted for, and is used economically and effectively.
2. The Council also has a duty under the Local Government Act (1999) to put in place proper arrangements for the governance of its affairs.
3. The discharge of this responsibility includes arrangements for managing risk.
4. The Council's Code of Corporate Governance outlines these core governance principles; compliance with the code is reported each year via the Annual Governance Statement.

## BACKGROUND

5. Reigate & Banstead Borough Council has a proactive approach to risk management. It is an integral part of the Council's corporate governance arrangements and is built into management processes.
6. The Council operates a two-tiered risk management process to address the dynamic and interdependent nature of risk categorisation. The risk categories are strategic and operational risks.
7. Strategic risks are defined as those risks that have an impact on the medium- and long-term ambitions and priorities of the Council as set out in the Corporate Plan and Medium-Term Financial Plan (MTFP).

8. Members of the Management Team and Executive Members have shared responsibility for strategic risks. It is the responsibility of the Executive to formally endorse any new risks for inclusion on the strategic risk register.
9. The Audit Committee has a constitutional responsibility to provide independent assurance to the Council of the adequacy of the risk management framework and the internal control environment. It provides independent review of Reigate and Banstead Borough Council's governance, risk management and control frameworks. A key component of fulfilling this responsibility is to regularly receive and review the Council's risks.
10. Operational risks are risks that are encountered in the course of the day-to-day delivery of services. However, if an operational risk cannot be fully managed within the service or it has a wider organisational impact then it will be considered for inclusion in the operational risk register by the Council's Corporate Governance Group. Heads of Service have responsibility for operational risks.

## KEY INFORMATION

### Risk management reporting

11. The Council's risk registers have been updated at the end of Q1 2021/22, working alongside Directors and Heads of Service.
12. The full risk registers are made available to all members via the ModernGov document library. Risk registers from previous years are available on the eMembers portal.
13. Each quarter the Audit Committee and Executive receives an update on risk management. As per the Council's risk management methodology, this report provides an update on all strategic risks as well as any red rated operational risks.
14. The update – available in Annex 1 – includes the current risk rating, the direction of risk travel for the risk (with reference to its score) as well as a summary of the key updates in the quarter.

### Risk ratings

15. The Council's risk management strategy and methodology utilises the following risk ratings:

Rating	Action
Red	Where management should focus attention. Immediate actions should be identified and plans put in place to reduce risk as a priority.
Amber	Where management should ensure that contingency plans are in place. These may require immediate action and will require monitoring for any changes in the risk or controls. These will be a key area of assurance focus.
Yellow	These should have basic mechanisms in place as part of the normal course of management.

# Agenda Item 7

Green	Where risk is minimal and does not demand specific attention but should be kept under review.
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## **Q1 2021/22 risk management update**

16. An update on the Council's strategic risks for Q1 2021/22 is provided in Annex 1.
17. In Q1 there were two RED rated operational risks, the details of which are set out in the part 2 exempt Annex 2, and Annex 3.
18. In Q1 one strategic risk was identified for closure (SR11 – Reform of the Planning System). This risk is recommended for closure as the government's plan to reduce the threshold for the provision of affordable homes has now been dropped, which changes the implications of this risk. Additional information is available at Annex 4.
19. In Q1 one new strategic risk was identified. This risk covers the latest proposed changes to the planning system and therefore supersedes the risk recommended for closure. Additional information is available in Annex 5.

## **Audit Committee – 28 September 2021**

20. This report will be considered by the Executive in advance of the Audit Committee's meeting on 28 September 2021.
21. It is usual practice for the Audit Committee to receive the risk management report in advance of the Executive. Due to limitations on the scheduling of meetings, this has not been possible in Q1 2021/22 reporting. Any observations made by the Audit Committee will be reported to the relevant portfolio holder and, if necessary, to the next meeting of the Executive.

## **OPTIONS**

22. The Audit Committee has two options:
23. Option 1: Note this report and the associated annexes and make no observations to the Executive.
24. Option 2: Note this report and the associated annexes and make any observations to the Executive.
25. The Executive has two options:
26. Option 1: Note this report and endorse the closure of the strategic risk on 'Reform of the Planning System' (SR11) and the opening of the new strategic risk on 'Planning system reform'. This is the recommended option.
27. Option 2: Note this report and not endorse the closure of the strategic risk on 'Reform of the Planning System' (SR11) and the opening of the strategic risk on 'Planning system reform'.

## **LEGAL IMPLICATIONS**

28. There are no legal implications arising from this report.

## **FINANCIAL IMPLICATIONS**

29. Financial risks are considered when preparing the Medium-Term Financial Plan, Capital Investment Strategy, Revenue Budget, and Capital Programme each year.

30. There are no additional financial implications arising from this report

## **EQUALITIES IMPLICATIONS**

31. There are no equalities implications arising from this report.

## **COMMUNICATION IMPLICATIONS**

32. There are no communications implications arising from this report.

## **RISK MANAGEMENT CONSIDERATIONS**

33. The Council's risk registers inform the development of the annual risk based internal audit plan.

34. The Council's approach to managing risk is core component of the Code of Corporate Governance.

## **OTHER IMPLICATIONS**

35. There are no other implications arising from this report.

## **CONSULTATION**

36. The contents of this report and the associated annexes have been considered by the Council's Corporate Governance Group.

## **POLICY FRAMEWORK**

37. The Council's risk management strategy and methodology provides additional information on how the Council manages risk.

## **BACKGROUND PAPERS**

None

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## ANNEX 1 – Q1 2021/22 STRATEGIC RISKS UPDATE

Ref.	Risk description	Owner	Rating	Mitigating actions/update	Direction of travel
SR1	<p><b>COVID-19 pandemic</b></p> <p>The Council will continue to respond to the COVID-19 pandemic in supporting residents, businesses as well as other partner public sector organisations.</p> <p>The effects of the pandemic, coupled with the ongoing response, could result in significant disruption to the delivery of services and the achievement of corporate objectives.</p>	Clr Brunt	AMBER	<p>Where paused or altered, Council services have restarted as appropriate and in full accordance with government guidance and the roadmap out of lockdown restrictions.</p> <p>It is important to note that operating within the confines of, and responding to, Covid-19 has now become 'normal' for the Council. Ongoing disruption is expected and planned for.</p> <p>Plans for surge testing were invoked in June 2021 as surge testing was required in the borough. The Council was the lead agency for the successfully delivered operation and worked closely alongside multi-agency partners including Surrey Public Health and the Department for Health and Social Care. A debrief has taken place, with key learning captured for any future surge testing requirement, both in Reigate and Banstead and in our neighbouring and partner local authorities.</p>	—
SR2	<p><b>Financial sustainability</b></p> <p>In the wake of the COVID-19 pandemic and resultant recession, the Council faces a period of unprecedented financial uncertainty.</p> <p>The most significant risks relate to the extent to which the Government will fund the unplanned expenditure that is being incurred to deliver the Council's COVID-19 responsibilities at the same time as experiencing material reductions in income from fees and charges and local taxes.</p>	Clr Schofield	RED	<p>The Council will continue to ensure that strong financial management arrangements are in place and will continue to invest in skills and expertise to support delivery of the Council's financial and commercial objectives while managing associated risks.</p> <p>The Council's updated Medium-Term Financial Plan was reported to the Executive in July 2021. This sets out the forecast budget challenges over the coming five years. It will form the basis for service and financial planning for 2022/23 onwards.</p>	—

## ANNEX 1 – Q1 2021/22 STRATEGIC RISKS UPDATE

Ref.	Risk description	Owner	Rating	Mitigating actions/update	Direction of travel
304	<p>If this substantial financial burden is not mitigated through direct Government support, then these unplanned financial pressures will have an adverse impact on the Council's capacity to deliver against its Corporate Plan ambitions. The delivery of corporate plan objectives will similarly be jeopardised if the Council is unable to secure additional income streams.</p> <p>The ongoing financial settlement with the Government also remains uncertain.</p> <p>The Council is therefore increasingly reliant on income derived, and to be derived and generated, from investments, fees and charges and commercial activities – the ability to do so, however, may be further restricted by changes in legislation, regulations, and codes of practice. Commercial activity and investments are similarly not without risk.</p>		RED	<p>The Council's Capital Investment Strategy was reported to the Executive in July 2021.</p> <p>The specific outcomes of the Fair Funding Review and Business Rates Reset remain unknown; however, it is expected to result in significantly reduced funding.</p> <p>COVID-19 has resulted in material new financial risks, both in the current financial year and over the medium term. Additional unbudgeted expenditure has been incurred to deliver the authority's response and budgeted sources of income have been impacted by reduced demand during lockdown restrictions. At the close of the 2020/21 financial year the overall budget outturn is a net underspend for the Council, with reserves remaining healthy.</p> <p>Despite the impact of COVID-19 on priorities and workloads, the Council adopted Part 1 of its Commercial Strategy in Q3 2020/21 demonstrating the continued importance of: (i) adopting and implementing strategies that support sustainable income generation and (ii) taking forward income generating projects such as Horley Business Park, and a crematorium.</p> <p>As of Q1 2021/22, work is now underway on part 2 of the Commercial Strategy.</p>	
SR3	<p><b>Local government reorganisation</b></p> <p>A reorganisation of local government could be prompted by a range of scenarios and circumstances, including the financial failure of an authority within Surrey or as part of the government's devolution</p>	Clr Brunt	AMBER	<p>The 2019 Queen's speech announced an upcoming white paper on devolution and local government reorganisation. In response to this, in the summer of 2020 Surrey County Council announced its intention to develop a proposal for a single unitary authority for the county.</p>	■

## ANNEX 1 – Q1 2021/22 STRATEGIC RISKS UPDATE

Ref.	Risk description	Owner	Rating	Mitigating actions/update	Direction of travel
SR3	<p>agenda. A White Paper on English devolution and local recovery is expected in the latter part of 2021, delayed from its original date in autumn 2020.</p> <p>The uncertainty surrounding, and subsequent results of, any local government reorganisation could adversely affect the Council and the delivery of services for residents.</p>		AMBER	<p>Surrey's proposal was not one of three that the government invited to take forward. It has also been confirmed that, at present, the government is not pursuing a mandatory top down reorganisation.</p> <p>In July 2021 the Prime Minister confirmed that a white paper on devolution and 'levelling up' will be published in the latter part of 2021. Further to the prime minister's speech, the Secretary of State wrote to all local authority Leaders and Chief Executives in July 2021 and provided additional detail on the government's plans.</p> <p>The Council will continue to proactively seek to influence the debate on the future structure of local government within Surrey.</p>	
SR4	<p><b>Organisational capacity and culture</b></p> <p>The Council has adopted an ambitious Corporate Plan, supported by a capital investment, housing and Great People strategy.</p> <p>The COVID-19 pandemic has changed the way the Council operates, the context within which it does so, and will similarly drastically change the organisational culture and ways of working.</p> <p>The Council will continue to be ambitious and new ways of working will need to be embraced by both members and officers for objectives to be achieved. Key to this is ensuring that staff welfare and wellbeing is maintained, particularly in the challenging circumstances caused by the pandemic.</p>	Cllr Lewanski	AMBER	<p>Before the COVID-19 pandemic significant work was undertaken on the Council's Great People work programme and has formed a solid basis for post COVID planning.</p> <p>The pandemic has resulted in a need for the organisation to work differently. Projects in this area are being taken forward by the Organisation Board.</p> <p>We are continuing to give priority to understanding and addressing staff welfare and wellbeing issues. An officer working group is meeting and is taking an action plan forward to address wellbeing issues associated with the continuation of remote working.</p>	-

## ANNEX 1 – Q1 2021/22 STRATEGIC RISKS UPDATE

Ref.	Risk description	Owner	Rating	Mitigating actions/update	Direction of travel
90C	<p>The failure to remain ambitious and adapt to the ongoing challenges of the pandemic will risk the delivery of corporate objectives.</p>		YELLOW	<p>The HR team has continued to promote training and development opportunities for managers and staff around managing their wellbeing and different ways of working.</p> <p>Before COVID-19 the Employment Committee considered and endorsed the organisation's approach to developing the Council's vision, values, and behaviours. The next steps to this piece of work are being reviewed in the context of COVID-19.</p> <p>As recently agreed by the Employment Committee, the recruitment of a new Chief Executive will be paused and reconsidered later in 2021. Suitable plans are in place within the Management Team to cover all duties.</p> <p>A new Strategic Head of Corporate Resources joined the Council in June 2021.</p>	
SR5	<p><b>Economic prosperity</b></p> <p>A prosperous economy is essential for the wellbeing of the borough, creating employment and wealth that benefits local people and businesses. The COVID-19 pandemic has resulted in significant negative impacts upon the economy, which will continue to be felt for some time.</p> <p>Prevailing economic conditions have a direct impact on the Council's financial position and likewise impacts upon the demand for Council services, particularly in terms of income derived from fees and charges and the collection of monies owed. Challenging financial circumstances for residents may also increase their reliance on Council services.</p>	Cllrs Humphreys and Schofield	RED	<p>The latest available data (current as of June 2021) shows that Reigate and Banstead continues to have the highest number of furloughed employees in Surrey. The government's Jobs Retention Scheme has been extended until the end of September 2021, though the scheme has begun to taper as businesses are now required to pay 10% of furloughed employees' wages. This will increase to 20% in August 2021. The scheme has supported a significant number of jobs in the borough and for residents that work outside of Reigate and Banstead. Its gradual removal could therefore result in an increase in unemployment and businesses struggling,</p>	↓

## ANNEX 1 – Q1 2021/22 STRATEGIC RISKS UPDATE

Ref.	Risk description	Owner	Rating	Mitigating actions/update	Direction of travel
307				<p>which could similarly have a knock-on demand for Council services.</p> <p>The Council has been active in helping to support local businesses using virtual platforms throughout the COVID-19 pandemic.</p> <p>Support has also included the processing of business grants and applications for business rate relief. The Council has also distributed money to support businesses via the local authority discretionary grant fund, and has similarly signposted businesses to other sources of grants and government support.</p> <p>An East Surrey COVID-19 recovery taskforce has been launched by local MPs. The Council will continue to proactively engage with this group. The taskforce continues and has been successful in encouraging a greater number of businesses to apply for funding to the Coast-Capital Local Enterprise Partnership. The partnership is looking into securing funding for local infrastructure projects.</p> <p>During Q1 the Council submitted a bid to the Government's 'Levelling up Fund'. The bid was for Horley and was supported by the local MP. The Council will find out the result of the bid in the coming months.</p> <p>The 'R&amp;B Works' project launched in 2020/21. This project highlights and provides support towards local employment opportunities for residents. The Council is continuing to promote and enhance the website and a launch event will take place in Q2.</p>	

## ANNEX 1 – Q1 2021/22 STRATEGIC RISKS UPDATE

Ref.	Risk description	Owner	Rating	Mitigating actions/update	Direction of travel
SR6 808	<p><b>Reliance on the welfare system</b></p> <p>The COVID-19 pandemic has resulted in increasing numbers of residents being reliant upon the welfare system as the economy is negatively impacted. This increases the risk of household budgets being stretched. The latter could result in an increase in cost pressures on the Council as our services are increasingly relied upon.</p>	Cllr Neame	RED	<p>The COVID-19 pandemic has resulted in significant negative economic impacts on residents. The Council will closely monitor the impact of the gradual ending of the government's furlough scheme (see SR5). The scheme will now conclude at the end of September 2021.</p> <p>The Council continues to administer Test and Trace support payments.</p> <p>The range of Council services that work directly with residents' report that the needs of local people are becoming more complex, with residents requiring support with debt, alcoholism, domestic abuse, and substance misuse. This is an increasing trend and is being closely monitored.</p> <p>The full roll-out date for universal credit has yet to be confirmed. However, the system is live for those experiencing changes in their circumstances. The effects of COVID-19 has increased universal credit claimants in the borough.</p> <p>The Council's Money Support service is receiving increased referrals in comparison to previous years. This will continue to be monitored and services adjusted/scaled up if required. Additional resourcing has been identified to support the service.</p> <p>We continue to work closely with partners to manage the effects of upcoming welfare and homelessness changes, including the YMCA,</p>	■

## ANNEX 1 – Q1 2021/22 STRATEGIC RISKS UPDATE

Ref.	Risk description	Owner	Rating	Mitigating actions/update	Direction of travel
300				<p>Raven Housing Trust, Surrey County Council and primary care networks.</p> <p>The Council has participated in a cross-Surrey application made to the 'Changing Futures Fund'. This fund is a new pilot service aimed at providing support to vulnerable homelessness clients. As of the end of Q1, the bid of which the Council is part, has made it to the final round (last 20 applicants, of 70). Of the 20, 15 will be allocated grants of up to £3.4 million to tackle a range of health, wellbeing, and housing issues.</p> <p>The courts are now operating and are able to issue possession orders. However, the ban on bailiff enforcement action expired on 31 May. Bailiffs are now executing possession warrants. June 2021 resulted in an increase in contact to the Council's Housing service, which may result in elevated homelessness support cases.</p> <p>The long-term effects of the pandemic will likely result in residents continuing to require support from Council services. This is particularly acute for those in receipt of support but who do not meet the threshold for adult social care support. The Council continues to provide a scaled back Covid-19 welfare offer in response to resident need. Consideration is being given to the provision of a pilot scheme to support residents with ongoing welfare needs and who do not meet the threshold of adult social care.</p>	

## ANNEX 1 – Q1 2021/22 STRATEGIC RISKS UPDATE

Ref.	Risk description	Owner	Rating	Mitigating actions/update	Direction of travel
310	<p><b>SR7 Cyber security</b></p> <p>Organisations are at an ever-increasing risk of cyber-attack as the use of digital systems and technologies increases, particularly as home working has become the norm in response to the COVID-19 pandemic.</p> <p>More sophisticated attacks and new variants of malicious software underscore the risk of corporate defences being compromised.</p> <p>The effects of a cyber-attack are wide and varied though at their worst could result in data destruction and theft, as well as significant disruption to the delivery of services.</p>	Cllr Lewanski	<b>AMBER</b>	<p>ICT reports data security matters to the Senior Information Risk Officer (SIRO). The ICT customer base is kept informed of any specific threats and will be continually reminded to be vigilant when opening email or browsing websites, particularly those from unknown sources. If the ICT team believes that expenditure is required to improve defences an urgent business case will be raised and presented to the SIRO for consideration by the Organisation Board.</p> <p>ICT has worked with the National Computer Centre to implement a statement of works to improve the Council's cyber security. The work concluded in March 2021 and resulted in a work plan which will inform future improvements to the Council's cyber security in 2021/22.</p>	■
	<p><b>SR8 Fraud</b></p> <p>Due to the wide range of activities undertaken by the Council, there is a risk of fraud being committed. The latter is exacerbated by the new areas of activity which the Council has launched following the COVID-19 pandemic.</p>	Cllr Schofield	<b>AMBER</b>	<p>The Council continues to have robust control measures in place to protect public funds from fraudulent activity.</p> <p>In 2020/21, the Council's internal auditors undertook reviews into: Covid-19 Business Support Grants and discretionary grant payments. Both reviews resulted in a 'substantial assurance' opinion, with no management actions recommended.</p> <p>The Council's Fraud and Financial Investigations team proactively monitors and investigates many possible areas where fraud may occur.</p>	■

## ANNEX 1 – Q1 2021/22 STRATEGIC RISKS UPDATE

Ref.	Risk description	Owner	Rating	Mitigating actions/update	Direction of travel
			AMBER	A staff fraud awareness programme has been developed and has been implemented in Q1 of 2021/22, with training of teams taking place.	
SR9	<p><b>Marketfield Way</b></p> <p>Marketfield Way is a major place delivery project for the Council and is critical to shaping Redhill and ensuring the town's continued vitality. It will also generate income which can be reinvested in Council services.</p> <p>The ongoing economic fallout of the COVID-19 pandemic may have negative impacts on this development, particularly with regards to securing commercial tenants and its consequent financial viability.</p>	Cllr Biggs	AMBER	<p>The project continues to be on track.</p> <p>Appropriate terms for the main build contract with Vinci have been negotiated. The Council has entered into a building contract which reduces financial risk by fixing a high proportion of outstanding costs.</p> <p>Funding for the project has been secured from the Local Enterprise Partnership (LEP).</p> <p>The Council is adopting a flexibility-of-use methodology for Marketfield Way's commercial units. This is to ensure that there are appropriate tenant incentive packages in place to encourage interest.</p> <p>A cinema operator has been selected and a lease agreement is being finalised with a major retailer for a retail unit.</p> <p>As a consequence of the national materials shortage throughout the construction industry, work is being carried out to ensure that materials are being ordered in advance of when they are required to avoid delays on site.</p>	
SR10	<p><b>Gatwick Airport</b></p> <p>The COVID-19 pandemic will continue to negatively impact on Gatwick airport. The outbreak has seen a large reduction in air travel which can be expected to continue for the foreseeable future due to the negative</p>	Cllr Humphreys	RED	<p>The situation at Gatwick Airport is being closely monitored.</p> <p>Our neighbouring borough of Crawley (the local authority area in which Gatwick is located) has one of the highest numbers of</p>	

## ANNEX 1 – Q1 2021/22 STRATEGIC RISKS UPDATE

Ref.	Risk description	Owner	Rating	Mitigating actions/update	Direction of travel
312	<p>economic outlook and ongoing global travel restrictions.</p> <p>As a key local employer the financial position of the airport will affect local employment, which may result in an increased number of residents seeking support from the Council.</p> <p>Moreover, despite the negative economic outlook, Gatwick Airport have indicated that they will continue to pursue their previously announced expansion plans. An intensification or expansion of Gatwick has attendant local environmental and infrastructural risks.</p>			<p>furloughed workers in the country, a significant portion of whom work at Gatwick. As noted above, Reigate and Banstead also has the highest number of furloughed employees in Surrey.</p> <p>It is likely that a high number of Reigate and Banstead residents are on furlough from Gatwick and its associated supply chain. This will continue to be closely monitored through to the planned end of the furlough scheme in September 2021.</p> <p>British Airways had recommenced some long-haul flights from Gatwick last year, however short haul flights have moved to Heathrow and are not expected to return to Gatwick until the end of October 2021.</p> <p>There have been circa 1,400 redundancies at Gatwick (this figure does not include job losses in the associated supply chain). Passenger numbers are down by 80% on pre-pandemic levels.</p> <p>Prior to third lockdown announced before Christmas 2020, Gatwick had indicated some confidence of returning to around 50% of normal capacity in the summer of 2021. Recovery is subject to the success of the government's vaccination program and will be limited by any future travel restrictions. However, as of end of Q1 2021/22, Gatwick continues to operate at reduced levels.</p> <p>Gatwick is continuing to pursue its plans for expansion and is currently undertaking studies</p>	

## ANNEX 1 – Q1 2021/22 STRATEGIC RISKS UPDATE

Ref.	Risk description	Owner	Rating	Mitigating actions/update	Direction of travel
			HIGH	into the impacts of the proposal in advance of submitting a Development Consent Order. The Council will continue to work closely with other local authorities surrounding the airport to monitor potential local implications and respond to proposals.	
SR11 Cllr Biggs	<p><b>Reform of the planning system</b></p> <p>Following the publication of the 'Planning for the Future' white paper, the government is consulting on changes to planning system.</p> <p>Whilst the proposals are at an early stage, the current White Paper proposes increasing the threshold at which affordable housing is required from developments from 10 units to 40 or 50.</p> <p>Given the large number of developments in the borough offering 11-40 homes, the increase in the threshold to 40 would reduce RBBC's delivery of affordable housing by up to approximately 60%.</p> <p>This change could therefore negatively impact delivery of affordable housing in the borough.</p>	Cllr Biggs	AMBER	<p>In Q2 2020/21 the Council responded to the consultation and lodged its opposition to the White Paper's proposals, principally in regard to the potential loss of affordable housing in the borough. The consultation closed on 29 October 2020.</p> <p>As of the end of Q1 2021/22, the outcomes of the Government's proposals for structural reform of the planning system are still unknown as a Parliamentary Bill has not been published following the White Paper. However, the government has recently confirmed that the plan to reduce the threshold for affordable homes from developments of 11 homes to 40 or 50 is not being pursued, meaning that medium sized developments will still be required to provide affordable housing.</p> <p>As such, in Q1 2021/22 reporting this risk is recommended for closure, with a new strategic risk raised to reflect the current implications of the government's plans for reform in this area. Annex 5 of this agenda pack provides additional information.</p>	

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## ANNEX 3 – Q1 2021/22 RED RATED OPERATIONAL RISK

Ref.	Risk description	Owner	Rating	Mitigating actions/update	Direction of travel
OR2	<p><b>Resources and Waste Strategy</b></p> <p>The government has recently launched a consultation on its Resources and Waste strategy.</p> <p>The strategy – if adopted in its current form – will result in a significant change in the composition of the materials that the Council collects, which could have adverse budget implications.</p> <p>The strategy also proposes a range of changes to existing services and the introduction of new services which, if adopted, will likely result in further adverse budget implications.</p> <p>Moreover, the ongoing uncertainty of the changes could necessitate delays in investment decisions as well as on service enhancements and future operating models. This could hold the service back as it awaits clarity to ensure that such decisions cohere with any statutory changes.</p>	Cllr Bramhall	RED	<p>The Council responded to the first and second consultations and voiced its concerns over the adverse implications the strategy would have if it was adopted in its consultation form.</p> <p>The strategy's legislative underpinning will be via the Environment Bill which is progressing through Parliament and is currently at the third reading stage in the House of Lords. It is expected to pass into law later in 2021, with the changes coming into effect in 2023/24.</p> <p>There is a concern that the Bill (once enacted) will have a significant financial impact on the Council through, for instance, changing the configuration of waste services, the composition of recycling materials collected and through making services which are currently chargeable free.</p> <p>To reflect this, in Q1 2021/22 reporting this operational risk has been rated as RED.</p>	↑

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## ANNEX 4 – Q1 2021/22 STRATEGIC RISKS RECOMMENDED FOR CLOSURE

Ref.	Description	Owner	Mitigating actions/update
<b>SR11</b>  <span style="position: absolute; left: -20px; top: 450px; font-size: small;">310</span>	<p><b>Reform of the planning system</b></p> <p>Following the publication of the ‘Planning for the Future’ white paper, the government is consulting on changes to planning system.</p> <p>Whilst the proposals are at an early stage, the current White Paper proposes increasing the threshold at which affordable housing is required from developments from 10 units to 40 or 50.</p> <p>Given the large number of developments in the borough offering 11-40 homes, the increase in the threshold to 40 would reduce RBBC’s delivery of affordable housing by up to approximately 60%.</p> <p>This change could therefore negatively impact delivery of affordable housing in the borough.</p>	Cllr Biggs	<p>As noted in Annex 1 of this agenda item, this risk is recommended for closure in Q1 2021/22 reporting.</p> <p>This risk was raised following the publication of the ‘Planning for the Future’ White Paper and the subsequent consultation on changes to the planning system.</p> <p>The government has recently confirmed that its plan to reduce the threshold for affordable homes from developments of 11 homes to 40 or 50 is not being pursued, meaning that medium sized developments will still be required to provide affordable housing.</p> <p>This risk is therefore recommended for closure, with a new strategic risk raised to reflect the current implications of the risk.</p>

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## ANNEX 5 – Q1 2021/22 NEW STRATEGIC RISKS IDENTIFIED

Description	Owner	Rating
<p><b>Planning system reform</b></p> <p>Following the publication of the 'Planning for the Future' White Paper, the government is considering changes to the planning system in England.</p> <p>There is a risk that, if adopted in the form contained in the White Paper, these changes could result in a loss of local democratic control over planning matters.</p> <p>Moreover, whilst the government have confirmed that they will not be increasing the threshold at which affordable housing is required from developments (which was included in the original consultation document), there is also a risk that the other proposed changes could result in a reduction in the delivery of affordable housing in the borough.</p>	Cllr Biggs	<b>AMBER</b>

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